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## Legislative Assembly of Ontario

First Intersession, 35th Parliament

## Official Report of Debates (Hansard)

Wednesday 12 February 1992

### Standing committee on social development

Waste Management Act, 1991

## Assemblée législative de l'Ontario

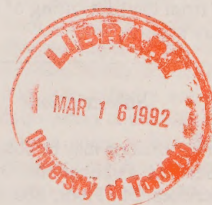
Première intersession, 35<sup>e</sup> législature

## Journal des débats (Hansard)

Le mercredi 12 février 1992

### Comité permanent des affaires sociales

Loi de 1991 sur la gestion  
des déchets



Chair: Elinor Caplan  
Clerk: Lynn Mellor

Présidente : Elinor Caplan  
Greffière : Lynn Mellor

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Under the new system, the sequence of numbering started in January 1991 will end with the final House and committee sittings of the present First Session. A new sequence will begin on the opening day of the Second Session, and each succeeding session, which will be issue 1 and begin with page 1. Committee reports likewise will be numbered from the first sitting of each committee in a parliamentary session.

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# LEGISLATIVE ASSEMBLY OF ONTARIO

## STANDING COMMITTEE ON SOCIAL DEVELOPMENT

Wednesday 12 February 1992

The committee met at 1004 in room 151.

### WASTE MANAGEMENT ACT, 1991

#### LOI DE 1991 SUR LA GESTION DES DÉCHETS

Resuming consideration of Bill 143, An Act respecting the Management of Waste in the Greater Toronto Area and to amend the Environmental Protection Act / Projet de loi 143, Loi concernant la gestion des déchets dans la région du grand Toronto et modifiant la Loi sur la protection de l'environnement.

#### HARKOW AGGREGATES AND RECYCLING LTD

**The Vice-Chair:** Good morning. I recognize a quorum. I would ask our first presenters, Harkow Aggregates and Recycling Ltd, to come forward and make their presentation. Please identify yourselves for the purposes of Hansard. You have 20 minutes to make your presentation, and we would appreciate a few moments at the end for questioning by members of the committee.

**Ms Lynch:** Good morning, members of the committee. My name is Linda Lynch, president of Environment Watch Inc, and I am very pleased and proud to be here representing Harkow Aggregates and Recycling Ltd today, a company for whom I have been an environmental consultant and project coordinator for the last four years.

I cannot resist pointing out that in the copies of the deputations before you, I think we are the only company to have used 100% recycled paper and that we have printed on both sides. We hope that perhaps we lead by example in our attempts here today.

I would like to start by talking for just a quick moment about the private sector. There has been an awful lot of contentious chatter back and forth about profit and supporting the private sector. We believe that everybody at the table supports the private sector, and so for the sake of an attitude adjustment, we would like to repeat some comments from Peter Drucker which I think really hit home and are worth remembering:

"There is no conflict between profit and social responsibility. To earn enough to cover the genuine costs, which only the so-called profit can cover, is economic and social responsibility. Indeed, it is the specific social and economic responsibility of business. It is not the business that earns a profit adequate to its genuine costs of capital, to the risks of tomorrow and to the needs of tomorrow's worker and pensioner that rips off society; it is the business that fails to do so."

Harkow Aggregates and Recycling Ltd is a family-owned and -operated business whose specialty is construction-demolition and solid industrial-commercial non-hazardous waste streams. We have operated a recycling and transfer facility in the port industrial district in the city

of Toronto for the past nine years under certificates of approval issued in 1983.

In 1989, we were very proud to be the first company in Canada to come forward with a solid application to build a totally enclosed multi-material recycling facility to handle our waste stream. Approval was granted by way of another certificate of approval in June 1990 for the new facility. Unanimous approval was received from Toronto city council in August 1990, and we are working right now towards a construction start date this spring.

Currently, we recycle manually in the range of 10% to 20% of our total waste stream. The new facility will enable us to recycle between 70% and 90% of our total volume through a manual-mechanical sorting and separation process series that is a proven and state-of-the-art technology and building system. The new facility will create approximately 40 new jobs in addition to the 25 already employed at the existing site. It has been a dynamic and challenging period for our company that prides itself on being on the leading edge of the growth of the recycling industry in this province.

Recently, we have expanded our efforts to include composting and used materials manufacturing. Eventually, we see our corporate agenda as exciting and one that carries on business in the areas of reduction, reuse and recycling.

Harkow Aggregates and Recycling Ltd welcomes and encourages government activities that stimulate the growth of reduction, reuse and recycling in society. We know that used materials are tradeable commodities that have an inherent value that can be transformed into new growth industries, urgently needed in our sagging economy.

We have diligently monitored your committee's hearings and we have noted that the private sector has repeatedly mentioned fear, uncertainty and apprehension in responses to you, but you know what? We had been feeling that way a long time before Bill 143 came along, and we would like to make you aware of what has really caused these anxieties.

We would like to point out that our industry has been negatively impacted by an atmosphere of threatening uncertainty that has been prevalent in the GTA since the spring of 1990. This has not originated from the province but rather from the Metropolitan Toronto regional authorities.

On May 16, 1990, our industry scrambled to make deputations to the Metro works committee in the face of an announcement that it was going to ban the private sector categorically from Metropolitan Toronto landfill facilities. Faced with a running-out-of-room scenario, they informed us that there was not space for the private sector. The lack of alternative private landfill space in the province put all of us in an impossible situation.

It was this incident, and this incident alone, that triggered the export-of-waste scenario that you are grappling with today. There was a request by many business groups to form a task force and create a dialogue with Metro in



advance of such a draconian ban, but silence prevailed and the industry had to react to protect itself.

#### 1010

Going back for just a moment, let me underline that the private sector is not just huge waste management companies. It is made up of many medium-sized to small-sized businesses. It represents 60% of the total volume of waste in Metro. Suddenly those family-run businesses are told, "You don't have a home for your waste." What would you do?

Imagine the bewilderment when we found ourselves scrambling again in June and July 1991, a year later, to appear before the same Metro works committee to depute against changes to Bill 66, which, among other things, threatened to ban waste export. We were incredulous as we listened to Metro running to the province demanding a legislated end to the very practice that actions taken by it a year earlier had precipitated. "Confused" and "uncertain" are words that understate the climate our industry has had to deal with.

There is no question that, once we had to look elsewhere, we discovered how overpriced the tipping fees were at Keele Valley, for example. As an appendix to our presentation that I will be providing later today, we enclose US landfill rate sheets. Clearly, you will see that Keele Valley is the most expensive landfill in North America.

The original intent of raising the tipping fees was pecuniary and was designed to reduce waste through raising the costs of disposal. That is well and good, but now it has gone too far. Industries that recycle, reduce and reuse, no matter how successfully we apply our methodologies, are still going to have a residue left over. Tipping fees for our industry need to be brought down to a reasonable market rate. We have to be able to compete for north, south, east and west.

It is our belief that the solutions to the waste management challenges of the future lay in innovative partnerships between government and the private sector. The success of a partnered relationship turns on the mutual respect and support one partner gives the other. The partners must each understand their equity positions, their area of operation and responsibilities and the security in their relationship, and a methodology for dialogue and information exchange must exist. The most important goal of a partnership is to provide a secured future and a return on the investments of people, capital and other resources that each partner contributes to the relationship. We ask you to address the protection of your partners in this waste management bill.

**Recommendation:** Please provide legislation that would prohibit a municipality from banning the private sector categorically from its facilities. Introduce directives at all levels of government within your jurisdiction that prohibit legislative initiatives until full consultation with the stakeholder has been carried out and a cost-benefit analysis, along with a full market impact study, has been completed.

With respect to areas of the bill that are designed to prohibit the export of waste, we suggest that the government needs more information to provide for revisions before

it proceeds. For example, we currently ship pure loads of wood to composting facilities in New York state. We view this as more environmentally sound, as we know you do, than burying it in a landfill. There are no large composting facilities here in Ontario that require this product. If you proceed with a generic description of all materials under the legislation, then we ask you to add exceptions by specific reference to product. We must be free to access the potential and emerging markets, wherever they may be.

Another area that requires some additional revision is the regulation governing our landfills. If your export legislation is going to turn on the concept of protecting the environment outside of Ontario, as outlined in section 22, part IV, then we caution: We had better make sure that our landfills are sounder than those that may be at destinations in the US. We point out that a double-lined landfill, complete with leachate collection system, has the potential for being safer than anything currently in the province, and your legislation would most probably be successfully challenged in that regard.

We believe that flow control with respect to the residential waste stream is not too difficult to implement. We have tried to point out, through a few examples, that flow control in the private sector requires more dialogue with industry and specific revisions before you proceed. We believe this underlines the need to define the private sector and its waste streams by separate category. Outside of your committee there have been government discussions both formal and informal that hint at flow control being a mechanism that will take waste management away from the private sector. It is our understanding that the flow-control approach was originally intended for the municipal sector. We require your assistance to protect us in the legislative arena, and unless we are defined as a separate entity from the municipal sector it just cannot be done. We urge you to share the vision you have and put fears to rest and provide industry with a background of certainty and confidence.

We would like to bring another area of grave concern to your attention. It is an area that requires you to protect our industry and nurture it. In section 25 of part IV you will allow a municipality to introduce bylaws to raise money for waste management systems and disposal sites prior to receiving approvals. We have just been through another nightmare of a scenario with Metro Toronto and its proposed revisions to Bill 66 and the single waste authority which creates an impossible situation for us where government proposes to both regulate and compete with us. Their flow of money to provide capital to build projects to compete with us comes from property and commercial taxes, tipping fees generated at their landfill through a monopoly, and now a method of raising new taxes to compete with us.

Currently—and it is critical that your government understand this part—Metro has \$44 million in its capital works budget earmarked for facilities that include one that would compete with us. Welfare budgets are falling short and other social programs are cut back, yet \$11 million is being spent to build a multi-material recycling facility that is not needed. Along with ours, two others have already been approved for the GTA.



Before I continue with the formal presentation I want to add that, to add insult to injury, as part of our review process for our certificates of approval we had to submit our engineering drawings and specifications for our process to Metro for an engineering comment. We got a call from our manufacturer a few months ago that Metro had called to get our system for its facility to compete against us.

The prospect of yet another tax vehicle on a staggering economy that already shoulders a high tax burden that will have to increase should not be allowed outside the provincial and federal government control. Waste diversion funding programs you already have can be used to provide for gaps in capital expenditures. These programs also control, by way of review, the legitimacy of the need for a facility. When the demands of the social agenda are desperate for funding, I really sincerely wonder how you can justify Metro spending \$44 million of taxpayers' money on recycling projects that the private sector, people like us, is ready and infinitely more experienced and financially capable of building and operating. In the face of such flagrant financial abuse, how can you allow them yet another tax vehicle to do more of the same?

**Recommendation:** That section 25 be excluded or certainly rethought with controls.

We need the government's help to stop the illegal operators who are stealing our revenues and your tax dollars. We have brought this matter to the attention of ministry staff, Metro and the minister's office. That has been on a case-by-case basis accompanied by threats from the people we blew the whistle on. Your government has responded, but there are too many to keep track of. There are ever-increasing numbers of incidents where waste is being hauled and handled by those without certificates of approval. Those of us who have participated in the due process and are licensed stand by helplessly and watch them laugh all the way to the bank at all of our expense.

1020

If you are caught by the police driving a vehicle without a driver's licence you are not allowed to get back in the car and drive away. There is no defence, period. You are either licensed or you are not. Yet there is no legislation that allows provincial officers to stop the unlicensed operator on the spot who is hauling or handling solid municipal ICI waste. If you are going to contemplate loosening up the approvals for recyclers, then you must provide enforcement methods that will work.

**Recommendation:** Add legislation to the EPA, the Environmental Protection Act, that would allow enforcement officers to have authority to stop and terminate the activities of illegal operators on the spot. Powers of regulatory enforcement similar to those in the section that deal with liquid non-hazardous waste should be added to sections of the EPA dealing with solid municipal and ICI non-hazardous waste. This would allow the inspector to remove the plates from a vehicle and shut an operation down on the spot.

Finally, we would like to address the concept of mandatory source separation. Our new facility is designed to separate commingled wastes. Our technology is specifically designed and proven to perform this task with no nega-

tive environmental impacts. We are spending over \$10 million to provide the market with this service. We know the government recognizes such sorting facilities in its definitions contained in the waste reduction office Initiatives Paper No 1. It is there in a one-line explanation of a multi-material recycling site, and they identify that as a sorting of commingled materials. But we think that the signals to industry are a bit mixed in the proposed reporting methods. Why should industry go to the expense of trying to source-separate when our facilities can take certain waste streams and do it for them?

**Recommendation:** We would suggest that a reporting methodology include the destination of a multi-material recycling facility as a compliance with the waste reduction initiatives. We suggest industry be so advised to avoid costly efforts that may not be necessary.

In closing, we would like to point out that we have a history of working with government, sharing our knowledge. We were pleased to be invited to participate in the formal sessions at the recent Recycling Council of Ontario's symposium and were eager and enthusiastic participants. We have participated in Peel region's waste management conference and the Royal Commission on the Future of the Toronto Waterfront. We were contacted by Mr Blackwell's office in the late fall for discussions, but as yet we have been unable to get our schedules together, and that has been probably more our fault than his.

We were not consulted at all regarding Bill 143, though. While we welcome the opportunity to be here today, we urge the government not to overlook the little guy in the future. We are ready to help with input any time you need it. Please feel free to contact Mr John Harris, Mr Ron Harris and Mr Rod Harris at 463-5946 in that regard. Thank you for your time and attention.

**The Chair:** Thank you very much for your presentation this morning. Mrs Marland.

**Mrs Marland:** Ms Lynch, I think that Messrs John, Ron and Rod Harris should be very proud of your presentation. It was excellent. I am shocked to hear that a municipality which is funded by the province and by the taxpayers of a number of boroughs in the GTA is interested in putting the private sector out of business and spending public funds to do it. Could you just elaborate a little more on the item that you were referring to about them phoning? Did they actually call the people who designed your facility?

**Ms Lynch:** Yes, they did. The processing system is called HAR and then another part of the process, and the HAR stands for the Harris family members who were personally involved in designing the system.

**Mr Wiseman:** I would just like to make a quick comment that it seems like it is a bit of a contradiction for Metropolitan Toronto to be both a proponent of supposed recycling and reuse and at the same time making huge amounts of money from the surrounding municipalities. Just to give you an example, in Brock West the Metropolitan Toronto Board of Education tips and dumps for free, whereas the Durham Board of Education has to pay \$150 a tonne and receives no rebates. There are some rebates that go to Durham region as a whole, but not to the boards. So I



share with you a lot of what you have said today and the frustrations you feel.

The one question I do have is: Would you be in favour of having a dual tipping fee, a tipping fee for residual waste that is considerably lower if it has already been through a recycling stream as opposed to a very much higher tipping fee for one that has not been recycled?

**Ms Lynch:** I know that the principals of the company have had discussions with me about this, and we think it is definitely worth looking at. You would have to study it and have more controls, because in principle it sounds great, but there are companies who have been taking advantage of your 200 tonne-a-day out the back door of a recycler to get an easy certificate of approval. They may take in 201 tonnes a day of material at \$180 or \$200 a tonne. They may recycle one tonne and send 200 tonnes to landfill and get the break of a reduced tipping fee, whereas operators such as ourselves who go to great effort and expense and partnership with the government to recover 70% or 90% would pay the same rate they do. It would be a great idea if you develop a mechanism of control, checks and balances, so that you could inspect these so-called recycleries and make sure that you had to have a 50%-or-better recycling rate before you could enjoy those reduced tipping fees.

**The Chair:** Thank you, Mr Wiseman. We are out of time, Mr Sola. Thank you very much for appearing before the committee today. We appreciate your appearance, and if there is additional information you think would be helpful, please communicate with us in writing.

**Ms Lynch:** Thank you very much.

#### RAY RIVERS

**The Chair:** I call next Ray Rivers. You have 20 minutes for your presentation. We would ask that you leave a few minutes at the end for questions from committee members. Please have a seat. Begin your presentation now.

**Mr Rivers:** I wish to thank you for the opportunity to come before you and address you. My name is Ray Rivers and I live in Burlington, Ontario. I am an economist, and I am employed with the federal department of the environment, where I head up its pollution prevention initiative. However, I am here today representing myself, a resident of Ontario and the greater Toronto area where I work and live and, as do other GTA residents, pollute.

I have been actively involved in waste management issues around my community. I participated in Halton's waste management/energy-from-waste study. I participated as a public advisory member of the Solid Waste Interim Steering Committee that was in operation here a couple of years ago and as a member of the Ad Hoc Advisory Committee on GTA Waste that Minister Grier established in 1990.

I teach sustainable development for business school graduates at Wilfrid Laurier University, where only last week my MBA class completed a case study analysis of waste management in Halton and the GTA. I will make copies of that available for your reading interest.

I was the first chairman of the city of Burlington's sustainable development committee and chaired this highly successful committee for its first year and a half of

existence. I am currently a member of the city's waste reduction task force, which is trying to reduce waste in the city. I will be submitting this paper to both that task force and the city for their review and potential approval. However, today I am speaking on behalf of myself.

I believe that what is being discussed today must be not just an interim but a long-term solution to waste management and that this committee and the government must avoid being panicked into short-term solutions that will only defer and not resolve the waste issue.

Critical to this discussion is a vision of where we are as a society and where we need to be moving on the waste management issue. I believe that the minister has identified such a vision since coming to her office. I believe that this vision is one that is shared by the vast majority of Ontario residents who, like me, wish to see Ontario become a more sustainable and less wasteful society.

The consensus on waste reduction has been building for some time, perhaps most advanced by the former Minister of the Environment, Jim Bradley, who demonstrated his resolve and wisdom when he courageously led the rest of the country by announcing what then seemed like ambitious waste reduction goals of 25% and 50%. The debate over whether these goals will be achieved has diminished and has been replaced by the debate over how they will be achieved.

I agree with the overall thrust of the initiative in Bill 143 to make our society more of a conserver society since conservation means less waste and is integral to sustainable development. Critical to the implementation of policies that support sustainable development is an appreciation of the concept of the ecosystem and an adoption of sound ecosystem management principles.

#### 1030

A sustainable ecosystem, of which a sustainable community could be an example, would produce no waste, since conservation is essential to its very existence. Waste created by one ecological process is consumed by another as a resource.

Achieving that state of ecosystem sustainability should be our goal, to ensure that the generation of products and byproducts in our society is complementary to human use of resources and energy to produce, consume and recycle. In that regard, I believe the minister is correct in that, since the incineration of matter discourages conservation of resources, it has no place in the debate over municipal solid waste management options and must be eliminated from consideration at this time.

Similarly, the export of waste out of the GTA, as every intelligent person should appreciate, is not and never should be considered a long-term solution to sustainable waste management since it violates every known ecological process or principle.

There are a number of measures that need to be adopted through legislation or by policy in order for this effort at conservation to succeed:

1. Ecosystem principles must be followed. Each jurisdiction must manage the waste it creates within its own ecosystem. Resorting to waste export or other unsustainable methods like incineration would mean that a community has



exceeded its ecosystem capacity and that it should adopt measures to either halt growth or adopt more conservation practices. It is a signal and a sign that something is wrong.

2. In order for the ecosystem to respond to environmental signals, the responsibility for waste management must be clearly in the hands of only one jurisdiction, the local municipality, which must have clear guidelines and incentives to manage its waste management operations. Dilution of this management authority, as may be implied in parts I and III of the proposed bill, will only serve to confound the issue, irritate the municipalities and their populations, and detract from the move to a conservator society.

3. Only non-recyclables should be permitted for residual disposal. All paper, metals, hazardous materials, building materials, soils, glass, plastics and compostables should be banned from disposal to landfills and other residue depositories.

4. Alternatives need to be developed for the storage of waste residue. Since waste does not exist in a sustainable ecosystem, in theory, all of today's unusable residue should be stored for future uses. Aboveground storage, not landfill, should be the preferred method for the future. Instead of digging holes in the ground in York, Durham and Peel, existing and potential warehouse space should be employed in those areas to store residuals for the future.

5. Economic incentives are critical. The full cost of long-term waste management must fall directly on the user if waste is to be discouraged. User-pay for the full costs of waste collection, recycling, residual disposal and other aspects of management must be charged directly by municipalities to householders and other users. The incentive to conserve must be instilled in our society through direct charges for the waste produced, and the province should surcharge the municipalities for these external, common or shared costs in order that these also get passed on to the user.

6. Greater reliance must be made on innovative management within municipalities through the creation of public utilities for waste management, for example, to ensure that sound waste management is not compromised by politics. Opportunities for greater private sector involvement in all aspects of waste management should be encouraged to utilize the expertise of the private sector and encourage this sector to become an ally for sound waste management, much along the same lines as the previous speaker.

Let me close this discussion by making a few recommendations that I believe are essential for the minister to achieve her objectives of moving closer to the conservator society and that will move the GTA and Ontario closer to sustainable waste management. Although Bill 143 moves society in the right direction, it must be strengthened and more clearly focused, particularly with respect to parts I and II.

Part I should be modified to include the specific authority of the province to surcharge municipalities for the full costs borne by the province for waste management and to appropriately penalize municipalities for unsustainable waste management practices as well as those that do not meet the provincial reduction goals.

Parts II and III should be modified to ensure that alternatives to landfill such as aboveground residue storage are

given priority as a more practical alternative for long-term storage of waste residue or potential recyclables.

There is a need for specific exclusion of potential recyclables, regardless of current markets, from landfills in Ontario and the establishment of universal conditions for acceptable landfill material to ensure that no potential recyclables or hazardous materials are landfilled.

Since the issue of sustainable waste management inherently involves the practices in a broad sector of Ontario society, appropriate amendments must be made to the Planning Act, the Municipal Act and the legislation covering the creation and operation of public utilities, for those factors to be brought into the decision. I thank you.

**The Chair:** Thank you very much for your presentation.

**Mr Sorbara:** Sir, I would like to turn to page 5 of your brief and your third proposal. I would just like to ask you how practical that is? You are saying there is a need for a specific exclusion of potential recyclables, regardless of current markets. We just heard that people in the waste disposal business are crying blue murder about the high cost of tipping fees already. If you were going to store things for which you have no markets and which you do not even know at the present time are recyclable, because you will develop something in the future, how much more would that add to the cost of waste disposal? How seriously can you expect somebody to accept a proposal where there is no time line to how long they would be stuck with this potentially recyclable material?

**Mr Rivers:** There are two points you have raised, one being the cost and the other being the feasibility. I think they are related. One of the things we should realize is that one of the greatest motivators for change, and technological change in particular, is the relationship to the economics. Clearly the prospect of higher costs will induce the various sectors in our society to find alternatives, find other ways of dealing with it. That aspect alone will create new markets.

Second, in terms of feasibility, I do not think we are going to do this all at once. What we are talking about is a longer-term process. But clearly there is a need to start excluding certain recyclables, and I think we could start with metals and glass and perhaps expand it to a whole series of papers. Unless you start to do that, there will be not the great incentive to in fact deal with those recyclable commodities on the markets.

**Mrs Mathysen:** Thank you for a very interesting presentation. You have indicated that you oppose incineration and you oppose transport. You may know that we have heard a great deal of information, particularly about the transport issue. In fact, I think some people are running around with T-shirts indicating that this Metro waste should go north.

One thing I was quite interested in was what you say about the residual material and future possibilities for its use. Has there been anything done in terms of research? Is there any information you have regarding inquiries in that direction?

**Mr Rivers:** This is all fairly new. Because the issue of waste has been one that we have not dealt with, we have tended to ignore the fact that the waste will become a

problem as we move on. We have stayed away from the question of sustainability and dug holes in the ground and buried it and put it out of sight and out of mind. We are going to come back to find that in fact many of those landfills that are currently in place will have to be dug up and there will be tremendous costs associated with it. I am not really answering your question. Could I have that question again?

1040

**Mrs Mathysen:** I just wondered if there had been any ideas or research or some indication about possibilities regarding the utilization of the residue that we now seem to think is simply garbage to be thrown away.

**Mr Rivers:** A lot of that is already available. Europeans have been doing a much greater job of recycling in many ways than we have. The Americans have as well, many smaller communities. There is a need for economic incentives to encourage more of that kind of thing to happen, but there is already a substantial amount of information as to what to do with it. Essentially it is a matter of taking out those things that have alternative uses and can be recycled and reused. Clearly the glass, the metals, the paper and the compostables account for the large bulk of waste. What is left is essentially perhaps hazardous materials that really cannot be recycled at the moment, and a very small residue. My guess is probably in the order of 10% or 15% of the current waste load is probably that which has to be dealt with in some kind of long-term storage, be it underground through a landfill or in an aboveground structure, at some point to be reused.

**Ms Haack:** You actually are encouraging an awful lot of discussion by your paper. My question somewhat followed on Mr Sola's because I know around hazardous waste there is aboveground storage, and Mrs Mathysen hit the topic of research. A lot of the discussions before this committee have related to packaging and basically the difficulty of dealing with our waste. I guess the ultimate thing we are going to be hit with again as the discussions continue is cost. From your position and your lengthy knowledge, would you relate the costs for us? Do you have some idea of the cost of doing all of this?

**Mr Rivers:** In my view there is a time bomb that exists out there which is going to have a big impact on costs. We have not to date in my opinion paid the full costs of the landfills. We have not lined them properly. We have allowed mass fills which is equivalent to a mass burn, which associates a number of different components together. We really have not done the kind of technology that should have been applied when we started the landfill.

I guess it mattered less when we were less of an industrial nation; it mattered less when we were a smaller population, but today it matters more. I think we are going to find that in Halton, for example, the tipping fees are going up to in excess of \$200 per tonne, and that excludes things like having to go and perhaps mine some of the existing landfills, which may happen when we find that leachate is going into ground water.

On the cost side, clearly we have to take some bold measures and the costs are going to have to increase.

Householders are going to have to be very much hit with the cost of the waste they create. Industries similarly are going to have to recognize that the cost of packaging and other sorts of waste is very real.

The answer is pollution prevention, particularly when you get into the issue of hazardous waste control. Particularly in the United States there is a very strong focus on moving towards source reduction of those materials that will be hazardous. Obviously we do not have all the answers. I do not pretend to have all the answers. What I am laying before you are some principles that in many cases you have correctly noted are longer term, but I think it is important to have the longer-term perspective as we deal with bits and pieces of legislation that come before us. I am getting off your question here, but in particular I think it is important to deal with the question of the responsibility. I feel very strongly that eroding that responsibility can give us a number of difficulties down the road.

**The Chair:** Thank you very much for appearing before the committee today. We appreciate your presentation.

#### CANADIAN FEDERATION OF INDEPENDENT BUSINESS

**The Chair:** I would like to call next the Canadian Federation of Independent Business. Please come forward. Begin your presentation by introducing your delegation. You have 20 minutes for your presentation and we would ask if you would please begin your presentation now.

**Ms Ciglen:** It is a pleasure to be here. My name is Linda Ciglen. I am director of provincial affairs for Ontario for the Canadian Federation of Independent Business. With me is my colleague Ted Mallett, senior economist for the CFIB, and I am going to turn it over to Ted to start our presentation.

**Mr Mallett:** Thank you very much, Linda. The CFIB is here on behalf of its 40,000 members in Ontario, and our concern with this legislation is—there are quite a few concerns through all parts of it, but I think what we are going to do is essentially limit our comments to part IV of the legislation, which we think deals most directly with the small business sector.

We think that the government has not properly identified the waste management problem for small firms, and it certainly has not properly developed a proper understanding of the small business community. The need for this legislation appears to be based on the assumption that business is not doing its share, that attitudes are somehow not up to par with public concerns, that business behaviour is not up to par with public concerns. The government has not presented any evidence in this regard, nor has anyone else.

We have done research into the attitudes and the behaviour of small firms and we find entire consistencies in their outlooks. Decima public opinion research organization conducted a poll last year that found that 51% of the public are very concerned about the environment. We also conducted our study at precisely the same time and found that 55% across the country were very concerned about the environment. Moreover, we found that 67% of Ontario



small businesses were very concerned about the environment, and that was the highest we found across the country.

**Ms Ciglen:** These results are tabulated in a chart on page 2 of our brief.

**Mr Mallett:** The government should find it encouraging that the small business sector and public awareness is indeed very high in this province.

Attitudes are only one half of the issue. It also has to be translated into action, and looking at behaviour we find consistent results. More than 70% of our firms conduct some degree of reuse, recycling or composting at their businesses, and this is across all various types of waste materials, whether it be car batteries, paper, cardboard, glass, plastic, metal, what have you. It is across the board.

We also find that the waste diversion has been substantial. Two out of every five businesses in the province have reduced their waste as a result of the 3Rs activity by more than 20% and one in eight has reduced its waste by more than 50%. These results are more than a year old. I am sure that if we had looked again, we would have found significantly greater results. These results are also not a result of any government intervention or government regulation.

Can even better results be obtained? Of course they can. I think everybody knows that there is still potential out there, but the government is taking this potential and saying, "Aha, the business community is not doing its part." Instead we see the unused potential in terms of the barriers small firms are facing in trying to deal with their waste. A large organization, such as a large car manufacturer with a stamping operation, can generate tonnes of scrap metal of consistent alloy that is relatively efficient to get to a recycling facility or a reuse facility. A small business may generate a dozen envelopes, a couple of pounds of fine paper, a couple of pounds of coated paper, maybe a deskful in a week, and there is certainly not a cost-effective way for that person to get that material directly to a recycler. Of course, if they can find someone to offer that service for them, it is certainly going to be more expensive because it is less efficient to do so, and it has to be separated as well. We found that the biggest barrier to small business reuse/recycling was the lack of infrastructure for collection. We found the second largest reason was the lack of recycling technologies, and about 20% of the firms felt they needed more information about recycling.

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The government's proposal on this legislation is that paperwork is the best way to pave the path to a greener society. Although structured programs and paperwork-based procedures are commonplace to large organizations and to governments, they are completely out of place in a small-firm environment. We find that the effort to plan to do something is more than the effort to actually do something and we find that firms in fact, instead of developing a purchasing plan or a new purchasing plan for recyclable products, are simply walking into their business supply store and deciding to buy recycled paper. That is the extent of their plan and that is all that is really necessary.

Mandatory paperwork is also counterproductive. We find that a broad range of studies into regulatory compli-

ance point out that regulations are 10 to 20 times more onerous on small firms than they are on large firms, say, of a couple of hundred employees or more.

It is important to note that business owners have to do the work themselves. They do not have a waste compliance office or department to handle this. They do all the work themselves. They also do their employee management. They also do their financial management. So they do not look at waste management issues in isolation. They have all sorts of other issues they have to deal with, and to a business owner who is already spending 60 hours a week at his firm, asking him to complete more paperwork, as this legislation would result in regulations to ask these firms to do, is not going to be received very well at all. We find paperwork concerns are the second most serious concerns facing our members in Ontario, as you can see in the handout on the front of the kit.

**Ms Ciglen:** It is the chart on your kits.

**Mr Mallett:** The government would not just be inconveniencing a small portion of the business sector. Firms with employees of five or fewer make up three quarters of the total number of businesses in the province, which makes them essentially no larger than a typical household. They certainly share the same constraints and the same abilities as a household, so why not treat them in the same fashion? The approach of Bill 143 is not appropriate in the household sector and therefore it is not appropriate in dealing with small business.

The final kicker to this legislation is that it disregards completely the cooperative approach that has been given such a high profile by this government. Bill 143's message to the business community is that government does not trust it, and that is particularly galling to a small business which has been doing its utmost to deal with environmental issues under very difficult economic conditions.

We feel the Ministry of the Environment should retarget this legislation to deal with breaking down some of the barriers small firms face in developing recycling facilities or developing reuse as well. They should assist and enable local municipalities to provide blue box programs, depots or equivalent infrastructure for small businesses to let them better participate in the separation of reusable and recyclable waste. The present lack of such infrastructure is the biggest problem they are facing right now; it is certainly not a lack of desire.

The government should also pay more attention to developing better markets and technologies for recyclables and reusables, and of course, instead of mandatory compliance measures, the government should be assisting firms in prioritizing waste management issues along the lines of the CFIB's efforts, which is another part of our handout.

**Ms Ciglen:** We just put this together, together with Pollution Probe. It is called An Environmental Checklist for Small Business. It gives a lot of very practical tips small businesses can put into effect in their firms right now to put the 3Rs into practice.

**Mr Mallett:** We are also currently working with the Canadian Standards Association to develop a comprehensive but simple environmental management system to

allow firms to help them prioritize the issues they must deal with, but provide it on a voluntary basis so they can make it fit their business to their needs.

**The Chair:** Thank you very much for your presentation. Mr Wiseman.

**Mr Wiseman:** I have a number of points. We have heard a number of deputations from people who have asked for more regulation because they have services to offer and have things available to them. I know that one of the groups that could not make it yesterday but has contacted me, V-Trac, has a method of squeezing oil out of oil filters. We heard from another group that takes oil filters apart, and they cannot get very far in the private market because small business says we must regulate them.

Also, the regulations that may evolve out of Initiatives Paper No 1 will not apply to small businesses. The government recognizes that there are special needs. Have you had any contacts and any communications about Initiatives Paper No 1, and are you not aware of this limitation?

**Mr Mallett:** We have looked at Initiatives Paper No 1 and we presented a brief to the waste reduction office. If you read the description of the industrial, commercial and institutional sector, it includes everybody and that is what they say, that it will include large firms of over 100 employees, in certain sectors at a certain date. I believe it is July 1992. By December 31, 1993, it is expected to apply to everybody. That is what the wording in Initiatives Paper No 1 says.

**Mr Wiseman:** Can you comment on the other section?

**Mr Mallett:** Can I answer the other question first?

**Mr Wiseman:** Yes, I was just going to ask you to comment on it, because the bottom line here is that whenever you pass rules or regulations you are aiming at the group of the people who do not voluntarily comply. I would like you to comment on that and the conjunction of the groups that have said they have these services to offer and say, "We're waiting for the government to regulate oil filters out of landfill sites."

**Mr Mallett:** That is not what this part IV is looking at. The problems recyclers are having are certainly in the lack of supply coming down to them to allow them to squeeze oil out of oil filters. The problem is not a lack of desire for the generators of the oil filters; it is the lack of ability to get small numbers from point A to point B. It is certainly far more costly for a one- or two-person garage to do this than it is for a large multi-bay service station.

**Mr Wiseman:** That is not the fact. That is not the case.

**Mrs Fawcett:** Thank you for your presentation. In speaking to many small businesses and people who are running them, they are really extremely concerned about this legislation and I think you have put forward a lot of those concerns. I gather, and I hope you agree, that incentives and cooperation rather than legislation allow you to work within a framework and do not legislate you out of business, because really, basically it is in your own best interests to make all these environmental changes. Would you agree? Would you like to just comment?

**Mr Mallett:** That is certainly our reading of the small business sector. There are barriers in the way of small firms. These barriers are called economies of scale, which are fundamental market distortions small firms have to face in many aspects of their business. Regulation is one of them. The government should recognize that simply putting broad-brush regulations on top of the business sector will have differing effects depending on the size of business, and we think the approach of the legislation should be to help offset these barriers rather than simply apply a layer of regulation on top.

**The Chair:** There is a question from the parliamentary assistant.

**Mr O'Connor:** Just on that point, because we have been talking about the broad-brush approach to regulations and how it affects small business around the first waste initiatives paper, perhaps we can get David McRobert to respond briefly about that, because I think it has been addressed by a couple of members here and yourself as well.

**Mr McRobert:** As the representatives of the waste reduction office have indicated at previous hearings, we are consulting with representatives of small business and of many sectors regarding the exact contents of the regulations which will be promulgated based on Initiatives Paper No 1. Initiatives Paper No 1 was a consultation document. In certain dates were indicated for the phase-in of the regulations that would be promulgated based on Initiatives paper No 1. Those dates are definitely not finalized. We are very sensitive to the concerns of small business and many sectors about the impact of the proposed regulations on them and we are trying to make sure the regulations are designed in such a way that the needs of those sectors can be taken into account.

**The Chair:** Thank you very much for the clarification. There are a couple of minutes remaining, if you would like to sum up.

**Ms Ciglen:** Just in terms of delaying the application of regulation to the small business sector, while certainly a delay is better than an immediate implementation, it still does not really solve the problem. Eventually, down the road, they are still going to need to cope with a layer of regulation without the infrastructure problems being addressed. Those are what the research shows are the real concern. If there were a better collection infrastructure in particular out there, part of the problem would already be solved, so while delaying regulation can be a help, it still does not really address the problem. What we would like to see this government look at is addressing those infrastructure problems. We see that as a place where the government can make a real impact. The truth is that this is government's job. That is where government should be directing itself.

**The Chair:** Thank you very much for your presentation this morning. We appreciate your coming before the committee. I know you realize that you can continue to communicate with us in writing, if there is additional information you would like to share with us.



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THE RECREATIONAL ADVISORY  
COMMITTEE OF MAPLE

**The Chair:** I would like to call TRAC-M, the next presenter. Begin by introducing yourself for the committee. You have 20 minutes for your presentation. We appreciate your coming before the standing committee this morning.

**Mr Consiglio:** Good morning, Madam Chairman and members of the committee. My name is Frank Consiglio and I am addressing you this morning as president of The Recreational Advisory Committee of Maple. Some may say that we are fortunate to have the opportunity to address you today, but I disagree, and so do my colleagues on TRAC-M. We are angry and appalled that we as residents of Vaughan, and all residents of Ontario for that matter, must come before this committee today to redefend our fundamental environmental rights currently provided by the Environmental Protection Act, the Environmental Assessment Act, the Municipal Act and the Planning Act.

We find it absolutely mind-boggling that while in opposition the Minister of the Environment was a staunch supporter of environmental rights and that now with Bill 143, which she introduced into the House, she has proposed to flush those same environmental rights right down the sewer, no pun intended. Talk about a Kekyll and Hyde. Was that not just a fictional character?

Voters believe they elect politicians to represent the community's best interest by sticking to their campaign promises, but this bill is just another nail in the coffin of that popular myth. I do not believe we are born sceptical or cynical, but you sure cannot blame us for being so after a government does a complete 360-degree turnaround on an issue of such importance. The government of Ontario is setting a very dangerous precedent with this bill by eliminating the rights of individuals and municipalities. Where will it end? What other future crisis, perceived or real, will prompt similar legislation?

The Metropolitan Toronto works department produced a report that indicated that due to a number of factors, such as export, the recession we are currently in and the 3Rs, the latest closure date for the Keele Valley landfill could be as far off as July 1999. So where is the crisis? This certainly would give the government ample time to conduct a full environmental study, as well as an opportunity to consider alternative methods of waste disposal.

I am here as the president of TRAC-M, which is a recreational advisory body in Maple. The majority of recreational activities such as cycling, jogging, soccer for children, baseball etc take place outdoors. It is certainly no different in our community: That is where most of the activities take place. It is understandable that the residents in our community are becoming increasingly more concerned with the possibility of the expansion of the Keele Valley landfill.

This has created a certain degree of anxiety among residents with concern to personal health and quality of life. We currently endure the traffic of hundreds of trucks on our streets daily, thousands of seagulls in our neighbourhoods which contribute, in their own way, to

waste problems, garbage that blows on to our streets and on to our properties on a continual basis on windy days.

Our generation, and in particular future generations, will enjoy more leisure and recreational time. We would like to enjoy those activities within our own community without fear of another Love Canal.

I feel that this committee and this government have a window opportunity to restore some confidence and credibility to our democratic system of government. Demonstrate to residents of Ontario that you have listened to the many petitions that have come before you over the last couple of weeks and that in fact you have heard the pleas of numerous groups to please not trash our rights. Wipe clean part III of Bill 143.

**Mr Sola:** Sir, you state that TRAC-M has had to "redefend our fundamental environmental rights." That says to me that you have had to defend your environmental rights on several occasions. Would you mind detailing how many times you have had to go before committees or government bodies in order to try to protect those environmental rights?

**Mr Consiglio:** I will tell you the truth: This is the very first time. Maybe the word "redefend" was inappropriate, but I am here defending environmental rights we enjoy under those acts stated above. I just do not think it is appropriate of the government that is in power, although it holds a majority, to railroad legislation through without giving it due process.

**Mr Sola:** Further on you state that Bill 143 takes away the opportunity to consider alternative methods because it predisposes people to eliminate, I guess, incineration and other methods. Would you elaborate on that? Do you have any alternative methods in mind that you think Bill 143 eliminates?

**Mr Consiglio:** Incineration could be a possibility. I know parts of this country are using it. Different provinces are using it successfully and it is being used successfully in the European Community and Japan. Transportation of waste was an issue before us very early on in these discussions. It was turned down. That certainly could be a possibility. There would be a cost factor, but it certainly should and could be considered.

**Mr Sola:** So you are not a proponent of these methods? You just want them considered to see their feasibility and the environmental safety aspects of these alternative methods?

**Mr Consiglio:** Yes.

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**Mr Wiseman:** We have heard from a number of groups from Maple and Vaughan. I do not know if you have heard the testimony and my comments to them, but I will make them quickly to you. Anything that comes out of the Maple landfill site in terms of leachate winds up about 400 metres to a mile from my door. Your problems are my problems. So it is with a great deal of care and concern that I evaluate this proposal in terms of another lift on Keele Valley.

I just want to review a little of the history. To start with, the former government was going to allow an EPA hearing on two greenfield sites, in 6B and P1. The one for the P1, I can tell you quite clearly, would have been dragged out in the courts for as long as the people of Pickering could do it. It would not have been up and running in the time frame some people dream about. The promise was made to have a full Environmental Assessment Act hearing on that. When the minister acknowledged that, P1 was removed from the table because it obviously would not pass. Dillon had already indicated it sat on aquifers and was impossible to construct.

The York proposal for an interim site was another lift on Keele Valley. So what we have here is a very difficult situation, and all I can tell you is that it is not one that brings me any pleasure to have to consider it, but the minister has said that the fullest possible analysis will be done on Keele Valley.

I ask you to check back through some of the other proposals. The CP long-haul rail proposal has the same number and more of trucks going into your community to that yard, because they would be coming from all over the GTA at this point to haul garbage up to Kirkland Lake, to a community that has already indicated in some ways that it does not want the garbage either. If you have any comments on this, it is like the presentation we had the other day—it is spokes of the wheel, it is huge.

**Mr Consiglio:** Mr Wiseman, all I can say really is that besides the fact that I live in Maple, and maybe the leachate is a little closer to my doorstep than yours, and I certainly do appreciate your comment and your concerns, what our particular committee is protesting is the fact that with part III this bill pretty well gives government carte blanche to go ahead and expand and expand, not only in Maple but right across the province of Ontario.

**Mr Wiseman:** P1 would say that it had that power before and that it was used.

**Ms Haeck:** One of the comments that really struck me the most was the fact that you wanted incineration back on the table for consideration. By the same token, you are also very much involved in the sporting community and outdoor sport is part of your lifestyle. I am not sure how much you have followed the committee over the last several weeks, but very clearly the kind of scientific analysis we are getting is that in fact there are an awful lot of materials thrown into the air which are very dangerous to people's health. As someone who is not anxious to promote this kind of activity—I am quite sure you are interested in the health of yourself and your fellow citizens—do you not think it would be advisable to limit the consideration of a method of disposal which is so dangerous?

**Mr Consiglio:** The communities that are currently involved in that particular handling of waste must have found it acceptable. They must have standards in there, and they meet those standards. I am thinking of Japan and the European Community. I am sure those communities also care about their children.

We are looking at not only today's problem, but the problem from here on in, the long-term problem. With the

way technology has advanced over the last decade, there is no reason I should not believe why technology could not advance so that incineration could be one of the best methods. We only have so much land that we can dump into.

**Ms Haeck:** Could we send you some other details?

**Mr Consiglio:** Sure.

**The Chair:** Mrs Marland, you have the floor.

**Mrs Marland:** I am sorry I missed part of your presentation, but I just wanted to comment on your paragraph about the Love Canal. I do not know whether you are aware or not that the Love Canal was in fact a very safe tomb until government disturbed it. When the Hooker Chemicals and Plastics Corp originally put its discarded drums and so forth into what was to have been the canal designed by the engineer by the name of Love, it was sealed with the same soil that it had been dug through, which was solid clay, and that whole Love Canal was safe and sealed totally impervious to leachate because of the type of clay until government came along.

One level of government, in fact the city of Niagara Falls, New York, forced the company that owned the property to sell it to the school board in order to build a school on the site.

**Mr Wiseman:** A subdivision.

**Mrs Marland:** There is a perfect example of where government interferes with a process and things get totally turned around and the people who get blamed often are the innocent bystanders.

In that particular incident the school board said, "We want that land for our school." The subdivision already existed around the property, I would tell Mr Wiseman in response to his interjection. But I think we have to be very careful where we ask government to do one thing and not to do another, because as soon as we give government the kind of power that is in Bill 143, I think you would agree that nobody's best interests are protected.

**Mr Consiglio:** I agree 100%.

**The Chair:** There are a few minutes remaining if you would like to sum up.

**Mr Consiglio:** In summary, as a layperson you see different governments come into power, you listen to their platforms during election time, and no sooner do they receive that power than they abuse it. This particular government proposed to be the government of the people, the green party, the party that listens, the party that would have consultation with voters.

We certainly have seen none of that with respect to Bill 143. Our community has written hundreds if not thousands of letters. We marched down on Queen's Park in November, and I do not think any of us have received a reply. I do not want to sound terribly cynical but, boy, come next election, I just do not know if I will be voting at all. Thank you very much.

**The Chair:** I think you have delivered a very important presentation for the committee. We appreciate your coming today. If there is additional information, please feel



free to continue to communicate with us in writing. Thank you for coming to the committee.

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#### MISSISSAUGA BOARD OF TRADE

**The Chair:** Our next presentation is the Mississauga Board of Trade. Please come forward and begin your presentation by introducing yourself for the committee. You have 20 minutes for your presentation.

**Mr Gallant:** My name is Wayne Gallant and I am past president of the Mississauga Board of Trade. The Mississauga Board of Trade currently has a membership of 2,300 businesswomen and businessmen who represent approximately 1,600 companies located in Mississauga.

Our board membership covers all aspects of industry and commerce. Our directory lists over 500 different business classifications. Our members employ more than 50,000 people in Mississauga. We truly believe the Mississauga Board of Trade is the voice of business in Mississauga.

With me today are Norm White, a lawyer, member of our environment committee and a director of the board of trade, Lawrence Bryan, the research and policy coordinator of the board and David Gordon, the executive director of the board.

The legislative process: This committee is to be congratulated for holding these hearings. The process allows all political parties firsthand contact with members of the public who may be impacted by the changes and to hear of actual situations which the bill's drafters may not have considered or may not have understood fully during the drafting stage. The board fully supports this consultation process.

Further, the board wishes to acknowledge the Honourable Ruth Grier, the current Minister of the Environment, for her obvious commitment to environmental issues, both while in opposition and now in the government. To have such a minister on the treasury benches whose foremost concern is to continue the necessary work of shifting this great province of Ontario from a consumer society to a conserver society is a great bonus to all of us who work daily towards this critically important goal.

As you know, Mississauga stands at the forefront of waste management initiatives and control in this province. Mississauga was a pioneer in the blue box recycling program. Mississauga has made substantial progress in applying the 3Rs and thereby slowing the rate of landfill disposal in our city. Our city and our mayor, Her Worship Hazel McCallion, remain open-minded to any proven option to landfill waste management in use anywhere around the world.

The central issue: I must state on behalf of the Mississauga Board of Trade and its 2,300 members employing some 50,000 workers that Bill 143 as proposed conveys corruptive, absolute power to the minister. It is quite unacceptable in this parliamentary democracy of Ontario and should be withdrawn forthwith without further debate.

Bill 143 overrides existing legislation, specifically the Environmental Assessment Act, the Environmental Protection Act, the Municipal Act, the Municipal Board Act and

the Planning Act, and puts at risk accepted means of governing and doing business. Relations from the provincial government to the municipalities, among the municipalities and from various levels of government to the people, to the taxpayers, to the voters are all cast aside by this proposal.

Bill 143 arrogates to the minister a set of powers completely unacceptable in Canadian parliamentary democracy, which is an evolutionary system of ministerial statements before the House, full parliamentary debate, legislative scrutiny over ministerial and departmental financial expenditures, public presentations to legislators at all phases of a bill's enactment, and ultimately full recourse for other levels of government, citizens' groups and individuals against allegedly arbitrary and capricious misuse of powers entrusted to the ministers or public servants.

Bill 143 further allows the minister to delegate these powers, unacceptable in the hands of a minister of the crown, to an appointed public servant in the direct employ of that minister, the so-called director of approvals. This delegation eliminates any kind of legislative monitoring and debate, any financial scrutiny and any opportunity for citizen recourse against the improper application of these powers by a public servant.

Not since the Family Compact have we in Ontario seen such an attempt to rule by personal whim, secretive writ or bureaucratic fiat beyond the pale of legislative scrutiny and control. Such legislation is abhorrent in the 21st-century atmosphere of open, participatory government consultation with citizen-partnership groups, on which the present government places so much emphasis.

We do not need a War Measures Act for waste management in Mississauga. The members of this standing committee can ensure the province does not decree such wide-reaching suspension of normal government relationships by acting in concert to have Bill 143 withdrawn and replaced by a bill which deals with real-world waste management solutions in a realistic, open-minded manner.

Waste management economics: Citizens and business react negatively to waste management uncertainties such as:

Waste recycling costs \$170 a tonne in Mississauga, \$87 a tonne to landfill in Mississauga, but only \$60 a tonne to ship the waste to the northern United States.

Waste recycling companies go bankrupt in Ontario because there is no aftermarket for recycled materials.

Some municipalities may simply be landfilling the added-cost recycled waste because there is no other way to handle the recycled materials logjam, which is the economic and moral equivalent of burying thousands of dollars in the ground.

The Minister of the Environment categorically rejects proven alternatives such as post-recycled garbage as fuel to landfill waste management, even though these alternatives are in use in other progressive, environmentally responsible jurisdictions.

"Manage your waste at home" edicts are issued by the minister for all of Ontario, unless your home happens to be Ottawa-Carleton or Kingston. Why do these municipalities have different ground rules?



Companies that have undergone an environmental assessment hearing process for some five years, costing untold thousands of dollars, are prevented from completing this process.

Companies proposing waste management solutions often get no answers from the ministry for periods of three years or more.

If the world of waste management is to be governed by unsubstantiated ministerial emotions, will this government attempt to manage the other industrial sectors in the same secretive, unaccountable fashion?

In summary, let me restate our position. Bill 143 as proposed is unacceptable to Ontario parliamentary traditions and should be withdrawn without further debate. We acknowledge the Honourable Ruth Grier for her obvious dedication and concern for the environment. We suggest all our time would be better spent developing the necessary waste management partnerships based on mutual trust and respect than on any further contemplation of the misguided power arrogations outlined in the bill.

Accordingly, the Mississauga Board of Trade recommends: immediate withdrawal of Bill 143; immediate public consultations with waste management partners; legislated elimination of ministerial reports as an instrument of the government; incorporation of the principles of disentanglement in the matter of waste management; amendments by this standing committee to existing legislation as and if required based on its public consultation process; legislated return to the orderly and established negotiations-arbitration process to follow through on public commitments for interim landfill closures and renewal of existing landfill site selections, and a legislated open mind to all waste management options as developed around the world.

Under possible amendments to the Environmental Assessment Act we propose: a legislative reduction in the process and time frame for decision-making; maximum life for landfill sites not to be greater than 20 years; landfill site search to focus on selecting one environmentally safe and sound site, and subsequently to locate additional acceptable sites to be used as future landfill locations.

The Mississauga Board of Trade strongly supports the environmental assessment process as the proper venue to consider all waste management alternatives. The minister should not limit the consideration of any alternative without first conducting a full and thorough scientific review of that alternative, in particular, with respect to a personal bias against incineration, investment tax incentives and government-sponsored R&D for new applications of recycled materials to eliminate the current logjam of post-recycled materials, to encourage innovative private sector operations in this growth industry and to accommodate any and all reused or recycled materials from the waste stream.

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**Ms Haeck:** Thank you, Mr Gallant. We obviously have some differing opinions on a number of fronts in this. I will admit very much right off the top I am not pro-incineration at all and I know there are a number of other members sitting around this table, including some opposition members,

who would agree with that particular stance. We have heard from a number of citizens in your area who also have some rather strong feelings about living under the stack of an incinerator and who probably have debated with you that particular point on other occasions.

I do want to raise a point that you raised on page 3 of your submission which you did not read into the record. It relates to cost of garbage and how you basically say, "Unfortunately, Mississauga is required by the effect of provincial policies to spend more on garbage than on people." In a recent article that appeared in the Mississauga News—of January 31, 1992, for all those interested—it indicates that the cost to Peel taxpayers of not keeping the Britannia dump open could be a staggering \$209 million over the next five years and then goes on to outline the impact of closing this dump. "Peel will not only have to pay millions of dollars to ship garbage to an as yet unidentified site, but the municipality will lose the considerable revenue it receives from the tipping fees charged to use the dump." Do you have any idea of the tipping fees that Mississauga garners from this and how this would affect what you say is the expenditure not being allowed to go to people that has to be spent on garbage?

**Mr Bryan:** That is a question that we can ask of the mayor. We are not here to debate the municipal dumping fee.

**Mr Gallant:** I do not know. The question was responded to by Lawrence Bryan. He feels that we are not here to debate the dumping fee. However, we can respond to that question in writing at a future time.

**Ms Haeck:** That is income. That is part of the whole process. Metro, as has been outlined in other areas, the GTA, makes very large sums of money from tipping fees. Obviously your region benefits from using that landfill site and will be able to use that money to build things like a new police headquarters, add money to Promenade Park, deal with improving of roads. So this is all something that I think I would ask you to take under advisement and to review and possibly revise your statement.

**Mr Sola:** As usual, Mississauga comes up with a well-researched and hard-hitting brief. I would like you to expand on the proposals you have here, where you say, "Bill 143 arrogates to the minister a set of powers completely unacceptable in Canadian parliamentary democracy."

You are not the first group to say that. It does not matter whether they are business groups, whether they are environmental groups that live in the vicinity of waste disposal sites or whether they are small business groups. They all feel very much offended by the fact that this Bill 143 is government by edict, government by decree, which takes away all the usual safeguards that we have had to date to disagree with the government or with the minister or with a certain bill.

Perhaps at the time when this minister was elected to government and became Minister of the Environment there may have been a crisis situation based on the records compiled up to that date but, because the depth of the recession showed up subsequent to the election of the minister, all the data we had have changed, and instead of the

crisis being as profound as we thought, all the dates have been pushed back for the closing of all the landfills that Bill 143 is supposed to be dealing with. Yet the direction of the government is still to act as though it were pre-1990.

I wonder what that does to your sense of confidence in this government and what it does to the sense of confidence of business in general, especially when you take into consideration all the other pieces of legislation that this government is proposing, like the Labour Relations Act and the rent control bill and other bills.

**Mr Gallant:** I think you have to look at the fact that if this legislation goes through as proposed, this ministry will be able to dictate without any consultative process how it is going to handle waste management. There are ramifications, we think, down the road that other ministries could ask for the same powers within their own ministries.

The other aspect is that industry has possible solutions to some of our crises, if you wish to call waste management a crisis, and there may be others in other areas. But if at a point in time the government can dictate that a minister will decide how things will be done, industries will not come forward with their ideas or plan to invest their money if they know that two thirds of the way through their concept, the government can just change the rules they are playing under.

Industry does not work that way. We look for a payback, depending upon the dollars invested, over certain guidelines. Industry basically goes in the world now where it can be assured that payback at that point in time. So they are not going to come in and start developing a waste management program if they know in three years' time the minister can decide that program is no longer going to be in place. Their money is just down the drain.

**Mrs Marland:** I would like to congratulate the Mississauga Board of Trade for being here and being the voice of business and commerce in Mississauga and trying to do a conscientious job. I find it really interesting that the member for St Catharines-Brock draws attention to something that is a very important point in this presentation. I think it is really significant that in Peel we are spending \$45 million for waste management and \$31 million for welfare. I would have thought this socialist, Bob Rae government would have thought that was pretty significant too.

In any case, when the financial chief for the region of Peel talks about how much it is going to cost if we do not extend Britannia for one lift, the point he is making is that if we had not had the intervention of both the previous Liberal government and the current socialist government, we would not be in this mess. Region of Peel residents have spent \$8 million trying to locate a new site, and here we are talking about what the alternatives are. Sure, the alternatives in this crisis are worse, because we are talking about shipping out of the province and possibly shipping long distance.

I would simply say in response to Ms Haack, who asks ridiculous questions of the board of trade, which is not responsible for roads and other capital expenditures—those questions should have been asked of the mayor of Mississauga when

she was here, or of Mr Kolb, the regional chairman, this week.

I simply would ask the board of trade, when it lists its priorities of concern here in its summary on page 9, if it had one single wish that it might think the Minister of the Environment might amend in Bill 143, which of those would be its priority in terms of knowing we are probably not going to get any of them? What do you think might be the top of your list if it was possible?

**Mr Gallant:** I think our priority would be to immediately withdraw the bill. There is existing legislation that can handle the waste management of the province, the Environmental Protection Act, the Environmental Assessment Act etc. That was good legislation at the time it was developed, and I think it still is. Companies can operate within that legislation. Let the legislative process take its own due course. You do not need an overriding ministerial power to change the rules of the game at any time. So that would be our one concern. Immediately withdraw the bill.

**The Chair:** Thank you very much, Mrs Marland. Did you want to make an introduction before this deputation leaves?

**Mrs Marland:** No, I did not.

**The Chair:** Thank you very much for appearing before the committee today. We appreciate your coming forward.

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#### CONSUMERS' GAS

**The Chair:** I would like to call next Consumers' Gas. Please come forward. Begin your presentation by introducing your deputation. You have 20 minutes for your presentation. We welcome you to the standing committee on social development this morning. Could I ask that you begin your presentation now, please.

**Mr Smith:** Good morning. My name is Bill Smith, general manager of Consumers' Gas Metropolitan Toronto region. Joining me this morning is Hugh Erwin, director of facilities management, and Marika Hare, director of environmental services. We certainly appreciate this opportunity to appear before the standing committee on social development as it considers Bill 143, the Waste Management Act.

As the primary enabling legislation for Ontario's waste reduction action plan and as the driving force behind the implementation of the proposed waste management activities within the greater Toronto area, the bill certainly deserves everyone's careful attention. I am going to focus my brief comments on Bill 143 on those aspects which are of provincial application and, as a result, impact on Consumers' Gas throughout its franchise area, from the Niagara Peninsula to the Ottawa Valley.

In Bill 143, these include those Environmental Protection Act amendments that would allow the development of regulations for the waste reduction initiatives described in the government's discussion paper, waste reduction office Initiatives Paper No 1, Regulatory Measures to Achieve Ontario's Waste Reduction Targets.

In particular, I will address the following areas: first, the approach that Consumers' Gas has taken to solid waste



management; second, the need to address market development for source-separated materials; third, the requirement to develop workable source separation programs; fourth, the need to clarify third-party obligations. Finally, I will outline what we believe is a more productive approach for governments to follow when encouraging industries to re-examine their solid waste management.

Consumers' Gas brings a unique perspective to the issue of waste management. Although described as part of the institutional, commercial and industrial sector, we do not manufacture any goods, nor do we sell any packages of natural gas in the traditional sense. Our activities are largely invisible in the public marketplace. Our delivery system is literally underground in our pipeline network.

Consumers' Gas is the largest natural gas distribution utility in Canada. More than one million residential, commercial and industrial customers depend on us for reliable energy services. Our distribution network includes Metropolitan Toronto and parts of central Ontario, the Niagara Peninsula, eastern Ontario and a little in northern New York state. Our pipeline network extends more than 22,000 kilometres, delivering about 10 billion cubic metres of natural gas a year to our customers.

The solid waste that we create is largely the byproduct of providing a safe and secure supply of natural gas and the normal administrative activities associated with that responsibility. However created, Consumers' Gas is committed to ensure the proper management of its solid waste. We are a company of over 3,000 employees, and our philosophy is one of good corporate citizenship and community involvement.

By such measures that may be used as net worth, we may seem big, but in fact we have our roots in a heritage of responsible service to meet the changing needs of local energy customers. We live and work in the communities we serve and we have a vested interest in the wellbeing and prosperity of these communities.

As an environmentally responsible company, we are proud of the role that natural gas can play in helping solve several environmental concerns. Producing and using natural gas is not without environmental impacts; however, as the cleanest-burning fossil fuel, natural gas can play a major role in improving the environment. When used in place of other, more polluting energy sources, it serves to minimize some of our most serious environmental problems, such as urban smog, acid rain and global warming.

There are environmental benefits whenever and however energy is saved. Consumers' Gas has been involved in the research, implementation and communication of energy conservation and efficiency measures for many years. Our corporate culture recognizes that as a responsible corporate guardian of a non-renewable natural resource that, when utilized wisely, has several environmental benefits, we have a special obligation towards the protection of the environment. As a result, the concept of sustainable development and the value of preventive environmental initiatives is not new to Consumers' Gas. Without the need of government regulations, we have been working to improve our company's solid waste management for several years.

Our environmental policy specifically commits Consumers' Gas to conducting all of its operations in an environmentally sensitive manner and to promoting employee and public awareness of environmental issues. As well, the company promotes the use of natural gas as an environmentally preferred fuel and we invest in the development of technology to improve the efficient utilization of natural gas.

Recently, the company has introduced an environmental code of ethics to provide employees with guiding principles so that they can better contribute to achieving the company's commitment to environmental protection in all its areas of activity. This commitment is something we take seriously. We recognize that environmentally sound waste management and resource conservation have several benefits, including improving company efficiency, lowering replacement costs, promoting employee job satisfaction, ensuring health and safety, as well as helping to protect the environment.

Two years ago Consumers' Gas established a waste management committee to assist in the development of an environmentally sustainable waste management system. The committee has adopted the 3Rs hierarchy of solid waste management and has developed several waste reduction, reuse and recycling initiatives. Further programs will continue to expand and improve upon this waste management system. As a result, Consumers' Gas is in support of the Ontario waste reduction targets of achieving at least 25% diversion of municipal waste from disposal by 1992 and 50% diversion by the year 2000. We also support the policies of the national packaging protocol.

We are moving to implement 3Rs waste management measures wherever we can. If we have not been able to completely apply the 3Rs to any one material, it is not for lack of effort or commitment but rather because of obstacles found in our way. Indeed, a company waste reduction goal has been established to reduce Consumers' Gas contribution to the landfill waste stream by 50% by 1995, as measured against 1989 volumes. We hope to achieve the provincial target five years before the province does itself.

The commitment is a challenging one, but we believe the results are worth it. While some initiatives may seem small on their own, when added all together, their combined impact is quite large. Some of our waste reduction initiatives to date include preparing new purchasing guidelines with the goal of increasing the use of products that minimize the amount and toxicity of materials requiring disposal and the avoidance of those products that contain excessive packaging and developing several company initiatives to reduce the amount of waste produced in the everyday office use of fine paper, computer printouts and photocopies.

Using an item over again in its original form for the same or different purpose makes good business and environmental sense. At Consumers' Gas we are examining ways to reuse all possible materials, including office equipment such as furniture and partitions, field equipment such as distribution fittings, which are reclaimed and reused, and regulators and electric motors, which are now rebuilt if possible.

Recycling allows waste materials to be used as a replacement for virgin materials in several different processes. At Consumers' Gas, the company's recycling activities originally focused on the recycling of fine paper which had been identified as the primary component of the company's waste stream. Today, a recycling program has been implemented for newspaper, computer printout paper, cardboard, magazines, aluminum pop and juice cans, polystyrene products, reprographic and printing chemicals and photographic films to avoid silver contamination.

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Field supplies such as distribution plastic pipe scraps are now collected and returned to a company for reprocessing. Natural gas appliances such as old water heaters are returned for scrap metal recycling, and the company's garages now recover tires, vehicle oils and grease, cleaning solvents and car batteries.

The list is continuously expanding. Consumers' Gas is actively investigating recycling opportunities for materials currently not recycled if they cannot be reused. In the interim, we are segregating and storing these products.

As you can see, voluntary waste reduction activities have been under way at Consumers' Gas for several years. As a result, the proposed introduction of mandatory waste reduction for Ontario's businesses and municipalities would not force Consumers' Gas to begin waste reduction initiatives, nor does it add anything to our existing initiatives.

We believe that clear, fair and sensible waste management requirements are in everyone's best interests, but the development of those requirements must take into account certain economic realities. The costs of doing business is not an acceptable excuse for not doing anything but it is a real factor that must be considered when new requirements are developed.

The proposed regulations contained in Bill 143 requiring major institutional, commercial and industrial waste generators to implement source separation, that is, recycling programs, waste audits and waste reduction work plans will in fact further change the way we do business. The specific company activities that will trigger the undertaking of these new requirements is primarily the management of the company's office buildings.

The following comments outline the types of clarification we believe are required for successful implementation and indicate some of the realities that governments need to be mindful of when developing waste management regulations. Consumers' Gas needs these concerns addressed in order to ensure that the existing programs at Consumers Gas will become fully integrated with the regulatory framework outlined in Bill 143. They are as follows:

1. Market development: While recognizing that an initiatives paper addressing the issue of market development strategies to ensure the utilization of recycled materials is in fact under preparation, the issue is of immediate concern to Consumers' Gas. The future expansion of our company's waste management activities is dependent less upon the introduction of regulatory direction than upon the existence of viable markets for the materials generated.

Diversion from disposal through the implementation of reduction, reuse and recycling programs will require the

timely establishment of technical, financial and market development programs by the Ministry of the Environment. The implementation of Ontario's waste reduction plan will need to ensure that the necessary framework is in place for the 3Rs programs to succeed.

Consumers' Gas has several examples of materials that we have made every effort to recycle but have failed due to either a lack of a market or the prohibitive cost if in fact a market does exist. This ranges from old D-cell batteries to drywall and the mercury in old, used thermostats. The market development bottleneck needs to be addressed, and the timing of the waste reduction initiative should be integrated with those initiatives expanding the recycling marketplace. Failure to co-ordinate the development of a market for recycled materials will continue to result in inappropriate disposal. The banning of a material from the local municipal landfill may result in its increased illegal dumping if cost-effective markets are also not created.

2. Source separation program: The requirement for materials to be source-separated for construction activities appears based upon the size of the facility and not the size of the actual sites under construction. The approach proposed by the Ontario Ministry of the Environment could pose significant difficulties for companies such as ours whose primary function is not building construction.

Unlike construction firms which may focus their activities at one or more large sites, pipeline construction and maintenance operations at Consumers' Gas are usually undertaken at many small dispersed sites by crews of less than 10 persons. The work is usually completed in a period of a few days, with most being completed in less than one day. The introduction of source separation programs at smaller sites, which are often residential homes, may in some cases prove onerous with minimum environmental benefits resulting.

It could be that the consolidation of the resulting construction materials such as asphalt, concrete and excavated fill at our company's regional facilities may help resolve this concern. Consumers' Gas is currently examining its activities in this area and has undertaken a test of new technologies to help reduce the amount of excavated material requiring disposal.

3. Third-party obligations: Consumers' Gas often utilizes contractors to provide services to our customers, such as the company's water heater rental program, and to construct new pipeline facilities. Currently Consumers' Gas ensures that these businesses are aware of the company's waste management policies.

For example, contractors are encouraged to recycle the cardboard packaging generated by the water heater rental program and, if necessary, to return the cardboard to the company for inclusion in its recycling program. However, the issue of company responsibility for third-party activities needs to be clarified in Bill 143.

In conclusion, I hope I have made it clear that Consumers' Gas supports the concept of environmentally responsible waste management systems. We believe the adoption of the 3Rs hierarchy of solid waste management to guide the development of waste management programs and the establishment of waste audits can help produce a



more productive workplace and a more healthy environment. However, the existence of certain market realities and the need for timely and clear direction will make the achievement of a workable waste management system a challenge. More than the introduction of enabling legislation is required.

In fact, the introduction of regulatory programs may not be the most efficient way to develop workable waste management programs. Another method does exist and has resulted in the creation of a national packaging protocol, a process in which Ontario participated. I am not sure whether you have a copy of that before you.

**The Chair:** We have all received a copy of your written brief.

**Mr Smith:** Through the development of meaningful partnerships between all players, industry has voluntarily committed to meeting the stated targets without the need of government regulations.

By addressing the economic realities of what it was proposing, the protocol succeeded in achieving industry buy-in, consistent standards across the country and agreement that regulations would be acceptable only if industry compliance was not forthcoming after a specific period of time. This "regulations if necessary but not necessarily regulations" approach has worked.

The role of government can often be most effective through the introduction of goals, policies and the yardsticks to measure our progress by. These should be subject to a life-cycle cost-benefit analysis and should establish a clear and workable waste management framework in which companies such as ours can function. If involvement is required, it should be directed towards the support of a viable marketplace for the source-separated materials.

Let industry determine how to best meet the standards set by the government through open consultation, as only industry is capable of actually implementing the desired programs and making them work. Let the command and control regulatory approach be replaced by the more productive approach of developing open partnerships and instilling a new philosophy of environmental responsibility.

Once again, let me thank the Chair and members of this committee for the opportunity to submit our perspective on some of the important waste management issues facing our province. We would be pleased to answer any questions you may have on our presentation. Thank you.

**The Chair:** Thank you very much. We appreciate your coming before the standing committee on social development this morning. We appreciate your presentation and we have all received a copy of the material you have left with us. If there is additional information over the course of our hearings that you think might be helpful, I know you will communicate with us in writing.

**Mr Smith:** Certainly.

**Mrs Marland:** Can we put questions on the record?

**The Chair:** No, there is no time.

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ONTARIO LONG TERM  
RESIDENTIAL CARE ASSOCIATION  
ONTARIO NURSING HOME ASSOCIATION

**The Chair:** I would like to call next the Ontario Long Term Residential Care Association. Come forward please and introduce yourselves to the committee. We have 20 minutes for your presentation. We ask if you would leave a few minutes at the end for questions from committee members. Please begin your presentation now.

**Mr Nightingale:** My name is Harvey Nightingale from the Ontario Nursing Home Association. With me are Rick Winchell of the Ontario Long Term Residential Care Association and Maria Kelleher, our consultant. Thank you for letting us present our submission this afternoon. Our members provide essential care for more than 50,000 elderly and disabled residents in over 500 facilities throughout the province.

We are very concerned about the impact Bill 143 will have on our members' operations. I refer specifically to part 1V, section 33 of Bill 143. This section provides enabling legislation for the Ontario waste reduction action plan and Initiatives Paper No 1. We feel that the initiatives paper is flawed and we oppose any attempts to legislate this initiative as it is presently written.

We cannot support any initiative that would compromise the level of essential care that is provided for elderly people in Ontario. We believe implementation of the part of Bill 143 that deals with the waste reduction action plan will jeopardize the health and wellbeing of our residents.

Our associations object to several aspects of the regulations and to the process by which they were developed. Despite the spirit of consultation that is said to be favoured by the present government, we were not consulted at any time during the development of Initiatives Paper No 1 and at no point was either OLTRCA or ONHA notified about the release of Initiatives Paper No 1. Regardless of the significant new responsibility the regulation seeks to impose on our sector, we were not notified of its release. We object to the fact that we found out about the preparation and release of the paper by accident.

Our combined membership only contributes between 0.3% and 0.5% of Ontario's waste stream. We are not clear as to why we were specifically identified as an ICI waste generator in the initiatives paper. Perhaps in developing this regulation, the Ministry of the Environment was unaware of our small contribution to the waste stream.

We feel that the lack of basic waste generation and composition data provides a flawed basis for the entire waste reduction action plan program. We are concerned that waste reduction targets have been developed in the absence of essential information or even an informal discussion with our associations. From our perspective, an effective waste reduction plan can only be developed following a waste audit which provides details on the quantity and composition of waste generated by our sector. May I stress that this has not been done to date.

On the positive side, I would like to stress that our members, the members of the long-term care sector, are

prepared to do their part to help the environment. However, we have to protest the addition of more regulations. We are heavily regulated as it is. Imposing mandatory waste reduction regulations burdens us with targets that we simply cannot achieve, ladies and gentlemen.

Our concerns regarding the content of the initiatives paper are as follows:

The Ministry of the Environment has set waste diversion targets of 25% for 1992 and 50% for 2000, using 1987 as a base year. Having completed a very brief study, our assessment shows that for the long-term care sector these targets are probably not attainable.

Our research shows that at present the necessary infrastructure for waste diversion does not exist across the province. Even in the greater Toronto area some of our members do not have access to municipal recycling programs and in other parts of Ontario the options are even fewer. Until there is an adequate infrastructure in place, the diversion objectives set out in the initiatives paper will not be attainable. We feel that it is unreasonable to penalize our members before facilities exist which enable them to comply fully with the intent of the regulation.

A great deal of the weight of our sector's waste is composed of materials which would not be readily recyclable or easily diverted even if the general collection infrastructure were available. Much of our waste consists of materials for which there is no recycling infrastructure. This includes items such as broken dishware, worn-out sheets and towels, broken beds and mattresses.

We also use several other items that cannot be reduced, reused or recycled. Single-serve packages like jams and creamers are essential for long-term care facilities. The packages do not contribute much to our waste although the cardboard in which they are packaged contributes some waste. We must continue to use products like this to maintain the high standards of health and sanitation that are so important for our residents.

As part of the overall drive for waste reduction, section 3.7 of the initiatives paper calls for our operations to develop source separation programs for newsprint, glass, aluminum, ferrous, cardboard and fine paper. Had we been consulted, the ministry would have learned that items such as fine paper and newsprint do not constitute a large portion of our waste. Even with the very best and most efficient separation program, it is unlikely that we could divert much waste by source-separating these materials.

Our staff are experts in providing care for elderly residents. I want to come back and stress that. They are not trained in waste management. According to the proposed regulation, our staff are to be responsible for carrying out waste audits. They will also be responsible for developing waste reduction action plans, implementing source separation programs and training staff and residents to participate in all aspects of recycling. This greatly extends their current areas of responsibility.

Separating and auditing waste will impose a tremendous time burden. It will also require extensive training and monitoring. The prospect of developing waste audits for each of the 500 facilities across the province is, to say the least, daunting.

Not only were we not informed about this requirement, but each facility with more than 100 beds is presently required to complete waste audits and to develop work plans by July 1992. It is February. That leaves less than five full months to set an effective process in motion. This time frame must be re-examined.

The initiatives paper provides a form that must be filled in and maintained onsite. It looks simple but really requires a detailed analysis of each material that goes into our waste stream. Not only are we required to determine our waste for this and every subsequent year, the regulations request that we provide information related to our waste generation in 1987. I must tell you in all honesty that these figures are not likely to be available in any valid form.

The proposed process of developing waste audits is somewhat confusing as well. The initiatives paper outlines requirements for assessing each waste material by weight. We are to note what we did to avoid sending it to disposal and how much we diverted. Is the Ministry of the Environment suggesting that our staff sort through our garbage bags? Are we supposed to count Kleenexes and Saran Wrap or lump everything together?

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Difficult as this will be in 1992, I have no idea how we are going to provide the numbers for 1987. We do not pretend to have this expertise on hand and we certainly do not have the resources available to hire people to do this for us. Complying with the proposed regulation means increasing the cost of our service and ultimately reducing accessibility to those who need it most. I am afraid that if this aspect of Bill 143 is applied to our sector, we will incur a large expense to reduce a very minimal portion of the provincial waste stream. This is not effective use of our very limited funds.

Source separation programs are mandated for our facilities following completion of the waste audit process. Here we encounter an additional problem: space. Most of our facilities are at least 10 years old and were built to accommodate specific functions, which do not include source separation of waste. I am talking at the very least of 330 nursing homes, of which 95% were built before 1980. Most of our facilities cannot include the space. Regardless of whether we have the space, we cannot generate enough room to separate all the materials. We do not have the room and we simply cannot add on to the room.

For instance, if you took a 200-bed facility which chooses to provide nutritional supplement to its residents, they will use at least 30 large cans for each meal or break. If various materials must be separated, that means at least 30 cans per meal that must be washed, dried and stored. Our facilities were designed to be space-efficient. We simply do not have extra space for washing and storing of these cans.

The easy answer is to add new rooms or retrofit the facilities to the materials. This is not possible, especially in these very economic restraint times. Not all facilities have abundant extra space and indeed some of our older facilities are simply not amenable to the required changes. For example, many facilities are moving back to using reusable diapers.



Yet for some operations this is not a viable option. Diapers contain bacteria and germs that must be controlled. Facilities which use reusable rather than disposable diapers need several sluicing stations. Regulations for nursing homes require at least one per floor. We have to separate the laundry chutes, and additional laundry facilities and staff processes must be followed. For some facilities the retrofit is financially or physically impossible.

No matter how much we would like to do this, the bottom line is that the operational changes in our facilities that would in any way reduce our ability to control infection are unacceptable. Most of our residents are elderly and frail. We are deeply concerned that many of the changes required to comply with this regulation, should it be legislated, will be disruptive to our operations and reduce our ability to control the spread of infection. Exposing our residents to germs from stockpiled waste materials is something we cannot do.

Long-term care facilities are already actively attempting to reduce waste and in many facilities staff have developed systems that suit their operations and achieve significant waste reduction in a cost-effective manner. Many innovative programs that include reducing packaging and products, compacting waste and using composters as well as all kinds of recycling and reuse systems are presently operating. Most facilities use reusable china, linen and silver or are using reusable diapers, and many are investigating how to reduce waste as a cost-effective business measure.

We feel that the waste reduction action plan as currently written is not appropriate to our sector. We also feel that a voluntary approach is preferable to further legislation. Our regulatory responsibilities are onerous enough at present. To achieve the goal of reducing waste disposal in Ontario through a waste reduction action plan, on behalf of our two associations I would offer the following suggestions:

1. Develop more appropriate waste reduction targets for our sector based on the results of waste audits and assessment of operational considerations. Let us conduct waste audits and discuss reasonable, achievable targets with the Ministry of the Environment before legislating an unreasonable and unworkable system.

2. We want to be given the opportunity to work with government on a voluntary basis to implement effective measures over a more realistic time frame. Our members have proven that we are committed to reducing waste where possible. We would prefer greater guidance and less regulation from government on this issue. I can assure that our members will respond appropriately.

3. Let us consider relaxing the emphasis on numerical standards for the program at least for the present. Let us develop waste-tracking systems if need be, but do not expect everything to be up and running by July of this year.

4. Before mandating source separation by regulation, ensure that a viable recycling and composting infrastructure is operating in at least 75% of Ontario communities. I cannot stress that enough.

5. Until the above is accomplished the government should agree to postpone the development of regulations pertaining to the waste reduction action plan.

Our members recognize the urgency of the waste situation in Ontario. However, we cannot support an initiative that will threaten the integrity of our operations, and more important, the health and wellbeing of our residents. By prematurely enshrining the Initiatives Paper No 1 in Bill 143, the government of Ontario threatens to do just that.

Madam Chair, members of the committee, thank you for your time. We are prepared to answer any questions you may have.

**The Chair:** Thank you very much. We appreciate your representation and your presentation.

**Mrs Marland:** This is one of the most compelling presentations I have heard. I cannot believe the impact this is going to have on your sector, and I really appreciate what you have told us today. There is such an irony here that government does not build homes for the aged any more and government does not build nursing homes or allocate funding for nursing home beds any more. The only people out there to look after our frail and elderly senior citizens who require nursing homes are the private sector.

Here we have proposals that are so absurd. Imagine the example which you give about whether you are going to be asked to count your Kleenexes. The answer is probably yes. If they are suggesting that you have to know what your waste generation was in 1987, it is entirely likely that they are going to ask you to count your Kleenexes.

I am just floored to learn from your presentation what the ramifications are to your sector. As dismal as it is to know, I am quite sure that Bob Rae's socialist government is interested in putting the private sector in nursing home care out of business. We have seen that direction in other areas like child care, for example. I am sure private nursing homes are next.

When you talk about not having the resources to hire people to do this, we know that. We in the Progressive Conservative caucus understand that, because we know that your resources are stretched so thin in providing the nursing care, let alone counting the garbage and weighing it and everything else. I think the most important point you make is that even if you could do all this, the fact is that the markets do not exist. I would ask you if that is the most important point.

The other important point is that there are simply options that a health care facility does not have. You cannot have everybody dipping into the same marmalade jar or the same dish of butter or everything else. Disposable diapers, for example—

**The Chair:** Thank you, Mrs Marland. Your time is up. Mr Martin, you have the floor.

**Mr Martin:** I assume that you represent the private sector of the long-term care—

**Mr Nightingale:** No, our association represents the for-profit and non-profit sectors, and the Ontario Long Term Residential Care Association as well.

**Mr Martin:** Okay. I just needed to clarify that. I want to say first of all that I appreciate your presentation. Certainly you make some good points when you talk about the inadequacy of some of the infrastructure that is out there and even some of the deadlines. I think we need to talk about that. However, would you agree or disagree that we have a waste management crisis on our hands at the moment, and would you not agree as well that everybody has to play a part, and if we are going to play a part—and your private sector people will probably understand this more than anybody—we need to set targets and deadlines in order to do that? I suggest to you that this is the government's first shot at trying to do that, and we are really happy that you are here today. Perhaps you could comment on some of this.

**Mr Nightingale:** Where possible, many of our members, whether it is a retirement home or a nursing home, either have compactors or have participated in the waste program on a voluntary basis. Where it makes sense and where they have the infrastructure within the community, they do it. The problem, as Mrs Marland stressed, is that in most of our communities, there is no place. We can do it within the home, but the infrastructure taking away some of this stuff is not there.

We fully support the waste program. We are doing it and have been doing it where feasible. But the proposals are so onerous. We cannot meet collecting the data of 1987. We cannot do some of the things that are proposed to us because the infrastructure is not there.

**Mr Winchell:** I just wanted to add that if you sense an edge to our presentation, it is because of the fact that we did find out that we were targeted purely by accident.

**Mrs Marland:** Yes, exactly.

**Mr Winchell:** So while we both agree that there is a need, we have not been part of the solution yet.

**Mrs Fawcett:** I think the part that just floors me is that you were not consulted. It is a very important part of our care system, our health system, and your needs and your ability to respond are far different than, let's say, an ordinary business. This fact that you were not consulted at all or did not even know anything about it is just horrible.

One thing that jumps out at me, because I am critic for seniors and the disabled, is the whole idea of the spread of disease. You are deeply concerned, and, boy, I am too, that, as you say, "Many of the changes required to comply with this regulation, should it be legislated, will be disruptive to our operations and reduce our ability to control the spread of infection." I am sure that is something that must be really serious. Could you just expand on that?

**Mr Nightingale:** Very simply, it is very frustrating when different ministries of government carry out initiatives without either consulting the parties who are affected or, equally important, talking to another ministry that is

responsible for that area. Under the Ministry of Health we have to provide care in a certain way. We are covered by 458 regulations. Has the Ministry of the Environment spoken to the Ministry of Health to understand all the areas of how we have to provide care either by standard or by regulation or by professional standard? We cannot do some of the things in the proposed regulations because of the aspects of infection control programs within the facilities, the way things have to be disposed of. Medications have to be disposed of in certain ways. We are not arguing against it, but had people spoken to us, we think we could have come up with something far more reasonable and, more important, workable.

**Mrs Fawcett:** Of course you could have, and I could not agree more.

**Mrs Marland:** May I ask a question to the minister?

**The Chair:** A question for the record to the parliamentary assistant.

**Mrs Marland:** I understand from our new rules that we are allowed to ask questions to the minister. My question to the parliamentary assistant, and so to the minister: In regard to the concerns and the requirements that have been outlined in this last presentation, is the ministry going to make the same requirements of all the operators of all our hospitals and other health care facilities in this province?

**The Chair:** Thank you very much, Mrs Marland. For those who are watching the proceedings—

**Mr Martin:** Could I ask a question to the ministry too?

**The Chair:** Yes, you may, Mr Martin.

**Mr Martin:** It is my information that this group did in fact make a presentation to the initiatives paper that was presented on this particular issue. I would like to know from the ministry what other contact was made with this group around this particular piece of legislation, just for my own edification.

**The Chair:** Thank you very much, Mr Martin. For those who are watching, members of the committee can ask questions of the parliamentary assistant. The ministry will then respond in writing as part of the record to all the members of the committee.

I would like to thank you very much for appearing this morning. It is good to see you again, and thank you for coming before the committee. As I have said to others, if there are other pieces of information you think might be helpful to committee members over the course of our hearings—I know you are monitoring—please feel free to communicate with us in writing.

The standing committee on social development is recessed and will reconvene at 2 o'clock this afternoon.

The committee recessed at 1225.



## AFTERNOON SITTING

The committee resumed at 1403.

## TORONTO ENVIRONMENTAL ALLIANCE

**The Chair:** The standing committee on social development is now in session. I would like to welcome our first presentation, Toronto Environmental Alliance. Please take a seat at the microphone. You have one hour for your presentation. We ask you to leave some time for questions from committee members.

**Mr Coffey:** When I first found out that I had an hour, I thought maybe what I should do is break everybody up into small groups and give you some tasks and we could come back later.

**The Chair:** That would be a novel approach for this committee.

**Mr Coffey:** Yes, I am sure it would.

**Mr Wiseman:** You are not a defrocked teacher, are you?

**Mr Coffey:** Defrocked? That is an interesting word. No, I am not; a defrocked artist, I think.

The members of the Toronto Environmental Alliance would like to thank the committee for the opportunity to speak to you today about waste management in Ontario, and more specifically about Bill 143.

The alliance is a non-profit organization dedicated to the preservation of the environment in the Toronto area. It was founded in 1987. As members of the It's Not Garbage coalition, which is active in the Metro area, and on our own account, we have been active on the issue of waste management over the last five years.

I should also say on my own account that I am a staff person with the coalition, which includes such large organizations as Greenpeace, Pollution Probe, Canadian Environmental Law Association and many smaller community groups throughout the Metro area. We decided we would not make a joint presentation on this bill because many of the members were making their own individual submissions. Consequently I am presenting on behalf of the Toronto Environmental Alliance, which I represent on the coalition.

Our overall view of Bill 143 is that while it contains some flaws, it is none the less a major step in the direction of responsible waste management. It envisions a system that promotes the idea of local responsibility for waste disposal, deals straightforwardly with the need for interim landfill space and provides a framework for dealing effectively and responsibly with waste reduction, reuse and recycling programs.

In our opinion, waste management, or more appropriately, resource management is not simply the most expedient method of locating holes in the ground and the most effective ways of prolonging the life of those holes. Resource management is tied quite firmly to larger issues, such as the greenhouse effect, that affect the health of the planet and its inhabitants.

Garbage is in reality simply the most obvious manifestation of the environmental impacts of our overuse and abuse of natural resources. Our consumption-dependent

lifestyles do not simply produce waste; they are also responsible for the degradation of our land, air and water. Each time we throw away a container, for instance, in order to replace that item we condemn ourselves to producing the same amount of air pollution, water pollution and energy use that accompanied the production of the original item. Reduction, reuse and recycling can break that vicious cycle.

Using secondary materials is more efficient and less polluting than the use of raw materials. The use of secondary aluminum, for instance, can result in energy savings of up to 95% and reductions of over 90% in discharges to air and water. Direct pollution reductions are not the only benefit in this case. Aluminum smelters are energy-intensive in the extreme and are usually found in places around the globe that can supply large amounts of cheap hydro power, such as northern Canada; ie, James Bay. We are, I am sure, all aware of the major environmental and social problems caused by the flooding of large tracts of land in the north. The proposed James Bay II project will decimate wildlife, displace people and destroy whole ecosystems. These effects are in no small measure the result of our appetite for resources.

The savings outlined above are not limited to aluminum; it is simply the most obvious. Recovering and reusing other materials have similar advantages. The value of recycling old newspapers, for instance, is not just a matter of reduced energy and atmospheric emissions; it also must include the role of trees as carbon dioxide sinks and the cultural value of old-growth forests.

In the short to medium term, the adverse impacts of waste can, as discussed above, be ameliorated by recycling and reuse. Indeed, every effort must be made to facilitate these processes. In the long run, however, projected population growth and the very nature of our society, based as it is on high consumption of disposables, will limit the effectiveness of these measures. An example of this already exists in the attempt to reduce emissions from automobiles. Much has been achieved over the last 20 years to reduce the impact of cars on air quality, but these efforts have been overtaken by the growth of the population and the growth of car ownership.

Reduction of waste at source is the only real long-term answer to our problems. The results of not reducing at source will inevitably be, at best, a moderation in the increase of pollution levels provincially and rising levels on a global scale.

Global equity is also part of the new equation. It interacts with and cannot be separated from our own economic-environmental problems. Industrial output in the Third World is projected to grow significantly in the next decades, something we can hardly oppose. The environmental impacts of this growth, however, would be significant even if the developed nations gave away their most efficient technology, and there must be serious doubt about the likelihood of that event. The addition of large amounts of pollutants from Third World nations to our own intransigent

levels would be a major disaster for life on this planet. We cannot afford this scenario.

Whether we like it or not, the only way to address the contradictions of our resource addiction, global economic growth, social equity and environmental degradation is for the industrial nations, including ourselves, to reduce our appetite for resources. We simply have no choice.

I would like now to make some comments on specific items of the bill before us.

Part II: We support the minister in requiring that each municipality provide its own landfill site. We believe positioning sites as close as possible to the source of waste is a sound approach in keeping with the concept of local responsibility. It is our understanding that the selection of these sites will be subject to the Environmental Assessment Act, particularly as a reading of the bill before us indicates that the minister has gone to the trouble of stating that certain options will not be considered as part of the hearing process. However, in order to remove any lingering doubt as to the process, we urge the minister to clarify her position on this issue.

We also support the decision to use figures generated by the waste reduction office when calculating necessary disposal capacity. There appears to be no valid reason to ignore the expertise of the waste reduction office when calculating capacity needs. This office was created specifically to implement and monitor 3Rs programs and has much of the available expertise in its area. Asking the Interim Waste Authority to duplicate this capability would simply be a waste of resources. The idea that the IWA would be a more independent, and therefore a more trustworthy, body is simply not a valid argument. It is not in the best interests of the waste reduction office, the present government or anyone else, with the possible exception of incinerator proponents, to underestimate the need for capacity.

1410

With regard to the decision to limit discussion of alternatives to landfill as part of the long-term site selection process, we have no doubt that this is the appropriate strategy. Both export and incineration of waste have serious drawbacks. We would like to address these separately.

Export of waste to a site outside the greater Toronto area no doubt has attractions for its proponents, but as far as we are concerned the drawbacks far outweigh any possible advantages these options might have. Export destroys the educational advantage of dealing locally with our waste, has transportation and energy side-effects and uses economic blackmail on disadvantaged communities.

The educational value of dealing with our waste in our own area is something the minister and many in the environmental movement have stressed. It should not be underestimated. For instance, one of the highlights of the blue box system is the educational value of source-separating our recyclables in the kitchen and at the curbside. The positive effect of this is borne out by the repugnance many of us now feel when forced to throw away a can or bottle because the jurisdiction we find ourselves in has no recycling program.

The transportation of waste to communities remote from the source also has major energy, and therefore global warming, implications. Global warming is not, as you will no doubt agree, a joke; it is an extremely serious problem that demands responses in all facets of our lives. All our undertakings must be examined to find ways to reduce the emissions of greenhouse gases. To therefore suggest that transporting waste to a site such as the Adams mine in Kirkland Lake is environmentally sound, because trains are more energy-efficient than trucks, is rather disingenuous. Even if we accepted the energy efficiency figures of CN itself, it would still allow us to find a site somewhere south of Gravenhurst and use less energy. The soundest option is to keep the waste as close to home as possible.

Transporting waste to Kirkland Lake brings another point to mind, that of the willing host, so-called. It is often pointed out to us as we struggle through this issue that Kirkland Lake is a willing host to Metro's garbage, so why not send it? After all, does it not mean jobs and money for a depressed area? The sad thing about this of course is that it would indeed mean jobs and money, although the questions of how many, how much, and more important, for whom have not really been answered.

However, the fact that a community such as Kirkland Lake that is desperate for jobs and money might get some by accepting garbage from Metro does not make this the right thing to do. People will take trash when there is no perceived alternative. Lawrence Summers, the chief economist of the World Bank, recently said, "The demand for a clean environment, for aesthetic and health reasons, rises with income." He was in fact arguing for the export of toxic waste and dirty industries to countries of the Third World that are, as he so aptly put it, "vastly underpolluted."

These so-called underpolluted countries of the Third World were and are targets for pollution for reasons similar to those advanced to justify the export of waste to Kirkland Lake. Toxic waste is no doubt more troublesome than plain garbage, which will have a more limited, though still significant, impact on the local environment. However, the message is the same: Garbage and environmental degradation in return for jobs is not a choice people anywhere should be asked to make.

Alternatives can and must be found for communities throughout the north that are faced with restructuring of resource industries, which is happening on a global scale. This government, representatives of northern resource-based communities and representatives of resource companies must sit together to find solutions to these problems.

Northern communities are not the only ones with an interest in the export question. Should the Kirkland Lake site prove unsuitable, communities throughout southern Ontario will be faced, as they were during the tenure of the preceding Liberal government, with the prospect of being a willing or otherwise host to Metro's cast-offs. Is this really what we want? I am sure it is not what they want.

Another export-related issue that the alliance considers to be important is the recent trend to export industrial, commercial and institutional sector waste to sites in the US. We do not approve of this type of export either. Apart



from the question of the morality of exporting environmental problems, the fact that municipalities and individuals are suffering financial losses from this practice means it should be stopped as soon as possible. Municipalities such as Metropolitan Toronto rely on the tipping fees from the ICI sector to finance their future waste management infrastructure needs. The losses Metro is sustaining because of the 70% or more drop in revenues from this source will have serious financial consequences and may well limit the choices Metro is able to make.

Individuals are also being hurt by the diversion of waste to sites south of the border. Large waste management companies are experiencing windfall profits by charging their customers rates that reflect tipping fees at Metro dump sites and then taking the waste to sites in the US that charge considerably less. If this is not a good argument for the exclusion of the waste management conglomerates from the market in Metro, and indeed the province, then I do not know what is. We therefore call on the government to take immediate action to halt the flow of ICI waste to sites in the United States.

As we indicated above, waste management is also resource management, and our concern about export also applies to the export of source separated materials. Ontario needs jobs. Municipalities in Ontario are producing larger and larger amounts of secondary resources which need to be processed. It would appear to make sense to ensure, wherever possible, that these materials are processed in the province. Allowing materials to be exported to the US for processing will be a further blow to the economic base of the province.

Local economic opportunities can result from the development of facilities for the collection and processing of waste. For instance, the Institute for Local Self Reliance in Washington, DC, estimates that for a city of 1 million inhabitants the number of permanent jobs created would be in the order of 1,400 and the annual gross revenue from the processing of these materials would be in the region of \$270 million. Those figures are slightly old; they may even be greater these days.

A more specific although smaller-scale example of the benefits offered by local processing of materials comes from Muskogee, Oklahoma, famous for white lightning, a town of some 45,000 people. The town made a concentrated effort at collection and local processing of recyclable materials. It has been estimated that 1,800 jobs have either been created or saved. The financial benefits received have been in the order of \$40 million.

The steel industry too is aware of this advantage and is proposing that we find a way of closing the materials loop; that is, whatever leaves the industry and is used in Ontario must find its way back to the province's steel plants as secondary resources. This model, while in its infancy, holds some promise. We urge the minister to explore options such as this which will derive maximum value from the materials we collect.

It appears I have lost a sheet of my paper. However, I will attempt to fill in the gap. What I wanted to do was deal with the issue of lifts. Our concern about lifts is that we think that there are alternatives to them, that the oppor-

tunities for diversion and for storage of materials for recycling and for waste reduction are possible with these kinds of initiatives, with sufficient regulation. It is possible to reduce and store enough material to allow us to get away with not having lifts.

However, as far as we can see, industry is not particularly open to regulation these days. They seem to take a firm stand that they can do it themselves. What I would suggest is that if they take this attitude, then what they might want to do is to go and talk to the people who live close to the Britannia Road site, or talk to the mayor of Mississauga, and let them sort it out themselves.

We met with the minister, along with the Canadian Environmental Law Association and Pollution Probe, in July 1991. We asked her to institute condensed hearings on the lifts on both sites. She responded at that point that she did not think the timing was available to do that. We believed at that point, and we still do, certainly in the case of Keele Valley, that it is possible to hold an Environmental Protection Act hearing, although in a condensed version.

We know that time is a very real problem and that the minister takes her responsibilities to provide for any disposal capacity shortfall very seriously. We have absolutely no doubt of that. However, we do not support the lack of formal hearings, particularly in the case of Keele Valley. The alliance considers it is still possible to do something. As far as the Britannia Road site is concerned, we are basically of the same opinion as Pollution Probe, that at this point there may be no other measure than to use the minister's emergency powers to order the lift.

#### 1420

Part IV expands the power of the minister to make effective regulations for the purpose of waste reduction, reuse and recycling. That these regulations are needed is reinforced by the relatively small quantities of household material diverted by the blue box and voluntary programs undertaken by the ICI sector. Solid figures on the amounts reduced, reused and recycled are hard to come by, but I think it is fair to say that the reduction in ICI waste going to landfill these days is due to export and the recession, rather than to any massive diversion effort. It is not to say a massive diversion effort could not be mounted.

We welcome the provision that will allow the minister to take into account the environment outside Ontario when making regulations. This, in our opinion, is forward thinking. Environmentalists have for years been stressing the interrelated nature of environmental problems and the need to take transboundary and even global consequences into account when considering policy. The alliance is appreciative of the nature of this change and hopes it will result in responsible changes in our production and consumption habits.

We firmly believe regulation is necessary for the achievement of the social and environmental goals identified by our society. Responsible change in our production and consumption will not, however, be achieved solely through regulation. The economics of the situation must also coincide with the behaviour we are asking people and companies to adopt.

For instance, in the present economic climate there are actually disincentives to reduction, reuse and recycling by manufacturers. For many manufacturers of packaging, the attraction of low-cost processing by municipalities or free disposal or recycling by private generators is too alluring to resist. Why would any company dedicated to the maximization of profits to its shareholders pay to process materials or its waste when it can get somebody else to do it for free? It simply does not make sense.

For reasons outlined earlier, we believe that reduction and reuse must take precedence over recycling. In order to achieve this, and to make the system function to its best advantage, we must change the economics of waste production. Manufacturers must become responsible for the post-consumer processing of their products. Whether through a deposit-return system or through a system such as the blue box, the message must be the same: Responsibility does not end with the sale of the product. In this way regulations can be reinforced by economics to the benefit of society at large.

The last point I would like to touch on is the need for markets and marketing strategies. When regulation and economics combine to promote the 3Rs, the effect will be to bring large quantities of material on to the market. The need for markets is obvious if we are not to be flooded with secondary materials. Governments and industries must take that joint role in addressing this need.

For governments, their role in developing procurement policies will be crucial to the adoption of a sound marketing strategy. For industry particularly, the use of secondary materials must become part of the drive for efficiency and competitiveness within world markets. A large opportunity has opened for the development of technologies related to the recycling and the reuse of secondary resources. Ontario industries can be in the forefront of this revolution. The need for bold thinking and planning also applies to the development of products that are resource-efficient.

In many areas, Ontario is a leader in this country, and in recycling terms, in the world. What we develop today, the world will need tomorrow. We would be foolish not to capitalize on the opportunity the waste crisis has presented to us.

**Mr Sola:** I would like to pose this question to you. In your overview you state that Bill 143 is "a major step in the direction of responsible waste management." Then you say it "promotes the idea of local responsibility for waste disposal." Then a couple of pages later you say that "certain options will not be considered as part of the hearing process."

How do you consider this local responsibility responsible waste management if the minister can by decree declare what can be considered, what cannot be considered, what will be disposed, what will not be disposed, what the boundaries shall be, what the boundaries shall not be? It seems to me she is taking the responsibility into her own hands and having the municipalities at her beck and call, to be her servants while picking up the tab.

**Mr Coffey:** My feeling around that is that the bill is necessary. If the local municipalities had done what they should have done over the years—they have had lots of

opportunities and that particularly, as far as I am concerned, applies to the municipality of Metropolitan Toronto—then this bill might not be necessary. We may already have had the kinds of waste diversion programs, the kinds of initiatives, that this bill is trying to promote, that this bill is trying to kickstart.

But in fact it has not happened. In the circumstances, given our situation, I think the bill is absolutely necessary, and it is necessary for the minister in this particular case to take the lead and say: "This is what's necessary. You've dallied for too long. You've done too little for too long. You now need to get off your butts and you need to move it and let's get going on this stuff."

As far as disallowing certain things is concerned, I think this government, as any government of the people of Ontario, has the responsibility to disallow discussion within environmental assessment hearings of technologies that would be harmful to the people of Ontario. That certainly includes incineration. Actually I did not get to that in my brief. I do not want to address the issue of incineration particularly, because I think many people before this committee have addressed it quite adequately. I was here yesterday when the assistant medical officer for the county of Simcoe was here. I believe his evidence, along with the work that Pollution Probe has done, and the speaker from the Center for the Biology of Natural Systems, addresses that quite well. The debate is over as far as I am concerned. There is no reason we should be discussing technologies that are harmful to the population of Ontario.

**Mr Sola:** Is this not at odds though with your notion of local responsibility? Are you not tying the hands of the local officials if you are saying, "Here's what you can consider and here's what you cannot consider, but we want you to make a local decision"?

**Mr Coffey:** There is never such a thing as perfect freedom. We all live within restraints, and I believe this is a restraint that is fairly imposed. It is unfortunate it has to be imposed, because I think the people at Metropolitan Toronto council have access to the information, just as we have had access to it here. It is quite clear that this is a dangerous technology, in our opinion. We do not need it. We should not be considering it. I think that if the local municipalities are not willing to take that step, then it behooves the Minister of the Environment and the government of Ontario to step in and say: "No. This is no longer to be considered." I do not see any conflict in that area whatsoever.

**Mr Sola:** I would like to switch over to the part where you consider export and your conclusion says, "The soundest option is to keep the waste as close to home as possible." Yet prior to that you say the location should be environmentally sound. What does political terrain have to do with environmental soundness?

**Mr Coffey:** It is a good question. The boundaries of the greater Toronto area are obviously arbitrary. They do not coincide with valley systems or any natural system. However, it is what we have to work with at this point. My preference personally would be to have the landfill sites in the middle of the city of Toronto. I mean, great, we have



the Bay-Adelaide Centre. It is not being used. Why do we not use that? It may never be built so we could just fill it in. That would certainly bring it home. However, I think most people in Metropolitan Toronto and certainly the developers of the site would not agree with that. It is hard to find sites within Metro. There may indeed be some. I understand the sites are not just limited to the region of York, it is also Metro and York.

I think it comes back to keeping it, as I said, as close to home as possible. It is unfortunate that the boundaries are political, are arbitrary, but they are there. I think what we need to do in our site searches within Metro and within the region of York is to keep it as close as possible to the source of generation, close to the economic area of Metropolitan Toronto.

**Mr Sola:** I want to leave some time for my colleague Mr McClelland.

1430

**Ms Haeck:** I too want to address the issue of export. I appreciate your comments on that. As you may know, I represent St Catharines-Brock. We have had some concerns about where a lot of toxic waste is going to end up, and that has been going on for about 10 years. What you are saying is appropriate. I guess a lot of people in my area, much like in the north, would view what you say about economic blackmail and understand really what that means. It has come to my attention that there is going to be some sort of demonstration, I believe sponsored by city council, called A Walk for Work. This will be in Kirkland Lake. While you have addressed it here, I wonder if you could elaborate on why the Adams mine proposal is really nothing more than economic blackmail.

**Mr Coffey:** As I attempted to point out in the paper, and as the chief economist of the World Bank so aptly put it, I think it is a matter of alternatives. When people have few alternatives—and I think this is a real shame; it is not something I like—the prospect of taking jobs and money for anything seems to be better than nothing. The prospect of taking toxic wastes in Third World countries, for instance, appears at first glance to be better than absolutely nothing. But in the long term, I do not believe it is a viable option for Kirkland Lake, never mind the moral aspects of the whole thing. If we are successful, which I believe we will be, and this bill will be successful in diverting large amounts of waste from the waste stream, the amount of money Kirkland Lake will get will continue to fall.

It is difficult to justify sending source-separated material up to Kirkland Lake when the market is basically in Metropolitan Toronto. It is a long journey to be sending resources to be processed. I just think this kind of ad hocery, this kind of northern development by I do not know what—by lack of thinking—cries out to be stopped. If we are going to do northern development, if we are going to provide jobs for people in the north—and we really do have to address this problem, because it is becoming more serious—we have to sit down and think it through. We have to think, what is the best possible way of providing economic wellbeing and quality of life? I think those things should not and cannot be divorced for the people of northern Ontario.

This is not the way to do it. This is not a way of thinking it through. Somebody has a site in Kirkland Lake. Somebody wants to make a fair amount of money out of it and sees an opportunity with the Metro garbage crisis. That is what is driving this whole thing. The people of Kirkland Lake, naturally enough, are scared for their livelihood. They want work; they want money. When you have seen, as I believe the committee has, the question that was put on the ballot in Kirkland Lake during the election, as far as I am concerned, it is a blatant attempt to manipulate the population. It is almost impossible to answer no.

**Ms Haeck:** I understand, and I appreciate your comments and your heartfelt concern.

**Mrs Marland:** I wonder if you could explain your position in terms of public participation. I would imagine that your organization is, as I understand it to be, an umbrella group.

**Mr Coffey:** It is not, in fact.

**Mrs Marland:** Do you encompass more than one group? You said you are members of the It's Not Garbage coalition. The coalition itself is an umbrella—

**Mr Coffey:** The It's Not Garbage coalition has quite a number of organizations, 30 organizations. I am presenting specifically on behalf of the Toronto Environmental Alliance, which is not an umbrella group. But we are members of the coalition. I am in fact the staff person of the coalition. This is not a joint submission by It's Not Garbage.

**Mrs Marland:** No, I think It's Not Garbage has either been here or is coming.

**Mr Coffey:** Yes.

**Mrs Marland:** In any case, the point of my question is that you obviously believe very much in grass-roots participation.

**Mr Coffey:** Yes, we do.

**Mrs Marland:** You believe in the public process and you are familiar with this bill.

**Mr Coffey:** Yes.

**Mrs Marland:** Yet you support it?

**Mr Coffey:** Yes.

**Mrs Marland:** That is what is very difficult to understand, because this bill does away with the opportunity for public process. In fact, we would not even be here enjoying this public process of information and exchange with deputations had it not been for the two opposition parties, which demanded that this bill come for public hearings to a standing committee of the Legislature.

I have to ask if you really believe in that opportunity for the public to be able to express their concerns, their views or their support for a piece of government legislation when you get through with this bill, which overrides all of the existing statutes in this province that have within them that provision for public participation. I notice you do say there are some flaws, so I think that part is fine. But how can you be here saying it is a great piece of legislation, coming from your particular purview and background?

**Mr Coffey:** Okay. By the way, I applaud your courage in standing up and making sure this bill came to committee. I

think it is a good opportunity for people like myself to come and say how wonderful they think it is.

**Mrs Marland:** I did not say that.

**Mr Lessard:** That was her purpose in doing that.

**Mr Coffey:** With regard to your question about public participation, our organization, when it looks at environmental issues, has to take the whole picture into account, as many do. As I said in the brief, we did take exception to the lack of participation. We met with the minister. We held the press conference. We said that we do not think this is the right thing to do. We still believe that in the case of Keele Valley it could be possible to introduce some sort of hearing. It would have to be time-limited because the time is limited. I do not believe it is possible to run an Environmental Protection Act hearing under the conditions that exist generally.

As far as Britannia Road is concerned, I do not know what to do. Personally, I think there is very little that can be done. It is really unfortunate that the preceding Liberal government stopped the landfill site search in Peel region, which would have allowed it to have had a landfill site by this time, so that now it finds itself in the position of having nowhere to put it. What are they going to do? Are they going to spend millions of dollars to send it down to the US, or to send it somewhere else? What are they going to do? Put it in Keele Valley? I do not think so. I do not think those are real answers either.

I feel very sorry for the people who live next to the site. However, no matter where we find sites, whether they be interim or long-term, there is not a hope that you are going to find one that does not affect somebody and that somebody is not going to be angry about and hurt by it. My heart goes out to those people and I think we should do as much as possible to help them and to ameliorate their position. But I think that in this instance, due to inaction on the part of previous municipal and provincial governments, we find ourselves in a bind. We have to do something.

**Mrs Marland:** Just a minute. Inaction on the part of previous municipal governments? I was a member of a previous municipal government in the city of Mississauga and the region of Peel. We were looking after our garbage business very well, thank you, without any government down at the province at that time. It is true the Liberal government put a stop to our candidate search and the environmental assessment hearing. Even with appeals, our site would have been up, open and operating in the region of Peel today. We would not have any problem at all if we had not had the interference of the province.

Having said that—and you are saying you are very concerned about the people adjacent to the Britannia landfill site—I would like to ask you this: If you believe Bill 143 is so wonderful and yet it supersedes all the existing statutes that give protection to people in this province, how do you conceive down the road, no matter who is the government, the possibility of anybody ever being sure of anything? The people who live around the Britannia landfill site not only had an agreement with the city of Mississauga and the region of Peel; they had agreements

signed with the provincial government. They had agreements that were the result of a hearing of the Ontario Municipal Board. Now all those agreements that were enshrined in 1978 are thrown out the window in 1992 by this socialist Bob Rae government.

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What security is there ever going to be for people to know what their property rights are, their opportunity to live undisturbed without a garbage site beside them being either established or extended, and especially extended after an agreement has been signed? You represent people. You cannot just come in here and say, "This is a great bill," because it represents your viewpoint today. Let's assume it is a great bill in your opinion. How are you going to feel when your people have no protection because another government has come in and repealed everything that was on the books?

**Mr Coffey:** My response to that is that we live with uncertainty every day. All we ever have are probabilities. The probability is that the sun will rise tomorrow morning, but I cannot be absolutely certain of that fact. I think we must go as far as possible to reassure people and to make certain that things continue in a reasonable way; however, certain situations arise where action is needed. Things have been allowed to progress to a particular crisis point and action has to happen. I find that this is the situation we are in at the present time.

I do not believe the kinds of things that are being proposed in this bill should be an everyday occurrence. I do not believe they will be. I do not believe the bill is promulgated on the understanding that this is an everyday occurrence. This is not an everyday occurrence. This is a problem for Metropolitan Toronto, for the region of Peel.

As you said before, it is really unfortunate that previous governments took out of the hands of the people of Peel region the ability to find their own site that would indeed have been up and running by this point, but they did. I do not know what we do about that. We cannot go back and change their minds. I think that process was heavily flawed and it had repercussions for the people of Peel.

As far as my organization is concerned, yes, we do represent people, and when we look at this bill, what we look at is what is best for the people in the Metropolitan Toronto region and even for the people in Ontario as a whole. We think this bill is the best thing for the people of Ontario as a whole. It is going to impact negatively on some people. Garbage impacts negatively on some people; landfill sites do. That is a fact we just cannot get away from.

When we say this bill is a good bill, even though it has flaws that we admit, that is an overall view. We think it puts forward a basis for sound waste management practices in the future so that we will not end up with situations such as the one we have at the present time. We do not want any more of those. We need good planning.

**Mr McClelland:** I am surprised. I never thought I would see the day Mr Coffey would be here saying that a bill that basically overrides the EPA, the EAA and the



OMB, and that goes on further to say that any regulation that stands in the way that is seen as an impediment as opposed to the right of people, is a good bill. I can only ask myself rhetorically, if Bill 143 was put forward by a Conservative or a Liberal government, whether you, sir, would be here today saying the same thing. I think you will forgive me for having some very grave doubts about that, inasmuch as what you said before in terms of interference of the previous government.

You understand very well, and I would defy you to deny the fact that you know that what happened in terms of the process before was a direction from the government to make sure the site selection process complied with the terms of the Environmental Assessment Act. There is considerable opinion shared by organizations like yours, and by your predecessors in your organization, that the EAA process for the long-term site was severely flawed and that there were some injustices being perpetrated. The former minister, Mr Bradley, ordered that the long-term site be conducted in full compliance with the Environmental Assessment Act.

You see full compliance with the Environmental Assessment Act as a flawed process, and yet you say Bill 143, which gives no protection for people, is a good piece of legislation. Quite frankly, I find that defies logic of any kind. It seems to me it is the same kind of political arbitrary boundaries that my friend Mr Sola was talking about when he asked you, I think, a very valid question: What is it that makes the boundary of Metro Toronto, York or Peel, recognizing that there very well may be literally within—let's look at this not only hypothetically but realistically. There may be a situation for a region to find within, albeit slightly, the boundaries of Peel the best possible site for, let's say, the disposal of Metro garbage. I am not going to be a very popular person in Peel for saying that, but why should you as an environmentalist say that arbitrary line between Peel and Metro means that you cannot consider it the best possible site? It completely defies logic in my mind.

How can you possibly say that a bill, which Mrs Marland so ably walked through with you, that takes away so many people's rights is better? You hold it up as a champion of people and you call yourself an environmentalist and say it is good stuff, when it wipes out the EAA and the EPA. People like you fought very hard. A lot of effort and energy was put into having those kinds of rights put in the hands of the people of this province. A lot of people fought very hard, people such as yourself, to expand participation in the democratic process. I find it totally illogical quite frankly. I am baffled to hear you, personally and you as a representative of your organization, say it. Quite frankly, it is almost unbelievable.

**Mr Coffey:** Where do I start?

**Mrs Mathysen:** With a shovel.

**Mr Coffey:** I will go back to the idea of arbitrary boundaries—

**Mr McClelland:** Mrs Mathysen—

**The Chair:** Mr McClelland, order.

**Mr McClelland:** Did you hear the comment?

**The Chair:** No, I did not.

**Mr McClelland:** I will tell you what she said, the arrogance of the parliamentary assistant: He could start by getting a shovel. It is now on the record. That is reflective of the kind of attitude of this government that you, Mrs Mathysen, reflect.

**The Chair:** Mr McClelland, you do not have the floor. I ask all members of the committee to refrain from interjection that will create disturbance before the committee. It would be appreciated. To this point in time we have been quite respectful of each other, because we have refrained from those kinds of interjections. I would appreciate it if we would refrain in future. You have the floor, please.

**Mr Coffey:** Let's go back to arbitrary boundaries. All boundaries are arbitrary. I think there is always the opportunity that on the other side of whatever line you draw there will be a better job, a better place, a better something or other. Greener pastures are always just over the other side of the line. Where do we draw that line? Do we draw it at the political boundary of the greater Toronto area or do we say, "Maybe there is a site just on the other side that could be better"? Should we expand it to the whole province? I would say no, let's not leave it to the whole province. We have unfortunately an arbitrary system of boundaries that has been drawn that we live by, so we have to do the best we can with the situation we find ourselves in.

As far as the environmental assessment process and the environmental protection process are concerned, if you had listened to what I had said you would realize that we did go to the minister and say that we thought this was wrong, that we do support public participation and public input into this process. We are also mindful of the fact that the timing is tight, that we are definitely in an emergency situation. We do not know where the stuff is going to go if we do not find an interim site, a lift or something, to allow us to dispose of our garbage in 1996 or 1997.

As I said, we still believe it is possible to have some sort of hearing on the Keele Valley site. It does not appear it is possible to do that in the region of Peel. I think that is the most unfortunate part of the situation we find ourselves in. It is not the bill that concerns me in that regard; it is the people who are going to suffer. It is the actions that were taken in past years, which I think have led to this situation, that make me angry.

When we talk about environmental assessments and we talk about the Environmental Protection Act, a number of sites that were designated as part of the Solid Waste Interim Steering Committee process as interim sites were going to be exempted from the Environmental Assessment Act. What kind of public process is that? How fair is that? How fair is it to go to a community such as Whitevale and suggest that because we have a gap of three or four years we should dig a bloody great hole in the ground right next to the village?

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**Mr McClelland:** Would you be pleased with an amendment that would suggest that Keele Valley be given

a hearing, at least for that, and certainly that the lift on Britannia be limited and some assurance given that if in the final analysis the best that people in and around Britannia can hope for is that there be some limitation on the lift, they at least be given some guarantee or some written assurance from the current government that it be limited to—

**Mr Coffey:** It is hard for me to say at this point. I am not willing to say whether that is acceptable or not to my organization or to myself. If you want to make that proposal to us and to the Minister of the Environment, I am sure we and she would consider it. That is all I can say about that.

**Mr Wiseman:** I want to talk for a minute about the minister's powers under the Environmental Protection Act. I think the people of Whitevale are pretty sure that the Minister of the Environment already has very wide and extensive powers under the Environmental Protection Act, powers that would allow a former Premier to sit down with a chairman and say, "We're going to stick a dump right here and we're going to do it under the Environmental Protection Act," with no legislation and no consultation with the people, designating a willing host simply because some other jurisdictions within a very large regional government have said, "Pickering will be a willing host and, oh, by the way, the land is government land," so that's where the dart lands.

I think we already know there are very large powers available to the minister under the EPA to do an awful lot of things like cancel 6A or put P1 or 6B on. I want people to recognize that when somebody comes in and says this takes away people's rights—in fact I would argue that this bill in a lot of cases restricts some of the rights of expropriation and access and so on that are already too broad in other bills. That is one thing I would like you to comment on.

The second part I would like you to comment on is the appropriateness of removing the consideration of incineration and export and haulage of waste up to Kirkland Lake. Does that in any way take away from the Environmental Assessment Act in terms of evaluating where an appropriate landfill site should be?

**Mr Coffey:** I think your first point is well taken. Under the present Environmental Protection Act the minister has quite broad powers. Section 29 says the minister can write reports, making it clear that it is necessary in the public interest to establish, maintain, operate, improve, extend; a whole range of things. It is not particularly new that these powers are in place. What is unfortunate is that we are in such a situation that they have to be used. This is not an everyday occurrence. I agree with you; I think in some ways the bill may indeed limit some of those applications.

As far as incineration and limiting the discussion of incineration and export under the environmental assessment process is concerned, I do not think it will affect the process. I think it may shorten it. It may make some people happy, because one of the problems that has come up and some of the comments I have heard are that we have an environmental assessment crisis, which may or may not be

true. I am not going to comment on that, but people who make those comments may be happy if we limit the discussion of alternatives because it will make it somewhat faster. I am sure a lot of the people who would want to be involved in the environmental assessment process of these future landfill sites will be or would have been proponents of incinerators and proponents of export to wherever.

As I said before, I think certain options are unacceptable for moral reasons and for a whole host of other reasons. It is the obligation of the provincial government to make sure those things are not on the table and will not be exploited by people who would use them for their own financial benefit.

**Mr Lessard:** You made the comment in your presentation that the solution needs to be economically driven. I have a couple of points with respect to that. One is that because of that factor, I think it is pretty clear that the government cannot do it all on its own, that it is going to require the cooperation and involvement of the private sector as well. You talked about developing markets, that this is one area that could use that involvement, and about the development of procurement policies to encourage those markets. As an environmentalist, are you aware of the procurement policies of the provincial government and other municipalities? Do you think there are areas for improvement and do you think there are things we could do to encourage the private sector to change its procurement policies?

**Mr Coffey:** The short answer is yes. I think there are things the province can do in its own jurisdiction and it can also encourage the local municipalities to get going on this stuff.

Pollution Probe wrote a report not too long ago about the value and the extent of municipal procurement policies and found that they were somewhat lacking. I think there is a lot of room for movement in that area. We obviously need markets. Market development, if it has not been neglected, has not been promoted to the extent I believe it should be. One of the ways to make it happen is for provincial governments with their large purchasing power, and municipalities, certainly the municipality of Metropolitan Toronto, to move more quickly on this.

As you are aware, there are standards for government purchasing policies with regard to recycled content that involve the federal government, the province, the municipality of Metropolitan Toronto and, I think, the boroughs, the small municipalities in Toronto, which have been sort of struggling along for a number of years. The process really needs to be moved along a little more quickly. The whole business of markets and economic development and private sector involvement on this issue have not been looked at as a whole.

The point I tried to make in the brief was that the private sector up to now has been kind of resisting the whole business of recycled content and recycling in general, apart from the people who can make chunks of money out of it. It has to be realized that not only can you reduce your own operating expenses, but in terms of market development for the private sector there is a lot of



opportunity out there these days for the development of products and technologies that deal with the use of secondary resources. We have an opportunity in this country, in this province, to get out there and develop this stuff and become world leaders in this kind of technology.

We get awards from the United Nations for our blue box programs, for our recycling programs. We can translate this kind of thing. We can make it work in terms of economic development and in terms of research and development. It disheartens me to hear business people come here and say: "Oh, it won't work with the regulations you're going to put on us. You're going to make us too different and no one will buy our products and we're going to have problems with exports." Where is the forward thinking? Where is the boldness? Where is the initiative that can turn this stuff into jobs for people in Ontario? It disappoints me. I am sorry they do not see the opportunities that are there.

Hopefully once we get involved in this whole process, once the regulations that will be promulgated under this bill come into effect, people's thinking may turn around to the degree that they will see what is actually out there. Maybe then we will move forward, but I think it is unfortunate. There is definitely a role for both the province and the private sector.

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**The Chair:** Mrs Marland, there is just one minute remaining for you.

**Mrs Marland:** We heard from the private sector this morning and we heard how the public sector is developing in competition to it, with public sector money, by the way. We have examples where in this area even this government is still trying to put them out of business. Your pages are not numbered—

**Mr Coffey:** I apologize.

**Mrs Marland:** —but there is one page here where you say, "However, we did not, and do not, support the lack of formal hearings, particularly in the case of Keele Valley." You said earlier that your heart bleeds, or whatever it was you said, for the poor people of Britannia.

**The Chair:** Was that your question?

**Mr Coffey:** I am not a liberal.

**Mrs Marland:** My question is why, if you have one standard of concern, particularly in the case of Keele Valley, you do not have the same standard of concern for the lack of hearings on Britannia.

**The Chair:** Thank you, Mrs Marland.

**Mr Coffey:** I do. It is just that I think the situation we are in leaves us with very difficult choices to be made. Somebody unfortunately has to make them. Because of neglect and wrongheaded thinking in the past we find ourselves—if we had the time, that is exactly what I would want.

**The Chair:** Thank you very much for your presentation. We appreciate your coming to committee today.

#### CANADIAN INSTITUTE OF PUBLIC REAL ESTATE COMPANIES

**The Chair:** I would like to call next the Canadian Institute of Public Real Estate Companies. Please come forward and begin your presentation by introducing your delegation to the committee. You have 20 minutes for your presentation and we would ask if you would leave a few minutes for questions at the end.

**Mr Daniel:** I am Ron Daniel, the executive director of the Canadian Institute of Public Real Estate Companies; the acronym is CIPREC. On behalf of the members of CIPREC, I wish to thank you for this opportunity to present our comments and suggestions on Bill 143 for the committee's consideration. With me today are Dianne Saxe, our legal counsel on this project, and Dianne will summarize our brief for you; Lawrence Lagowski, a leasing specialist from Cambridge Shopping Centres Ltd, a CIPREC member, and Hilton Ngo from C. D. Sonter Management, a firm specializing in waste reduction programs.

CIPREC has 35 member firms such as all major developers, including such firms as the Cadillac Fairview, Bramalea and Trizec. All five of the major Canadian banks and major trust and insurance companies are members.

As investors, landlords and corporate citizens, CIPREC members are generally supportive of the waste reduction initiatives set out in Bill 143 and we are here today to provide some practical commentary on the legislation and the regulations under development. We believe our suggestions will make the participation and cooperation of landlords and tenants more effective.

**Ms Saxe:** I hope everybody has found our presentation. It says CIPREC on the front. It is in a Cerlox binder. The first two pages are the covering letter. The guts of the submission are in the next two pages, which you will see have the heading "Bill 143" and then a chart.

We are really here to talk only about two clauses of the bill. They are both in section 33 of the bill and are incorporated in the set of amendments to section 136, the section that authorizes the cabinet to make regulations in relation to waste management.

The draft sections as they stand at the moment are pretty bare, but they imply that the cabinet is to have the authority to order anybody to do just about anything in relation to waste management. More particularly, they indicate an intention to allow cabinet to adopt regulations requiring the landlords of facilities to do a variety of things in relation to waste generated in those facilities whether they have the power to do that or not. That was fleshed out by the waste reduction initiatives paper issued by the Ministry of the Environment, together with two sets of draft regulations also issued by that branch. In both cases they followed up on exactly what we were concerned about in the bill and they said, "We are going to make the owners of land do waste audits, set up source separation facilities and perform waste reductions."

That is not always possible for landlords. If you look at the chart on those middle two pages, you will see we have separated what landlords can and cannot do. This is a chart that applies in your typical situation.

People tend to think of a shopping mall where you have one landlord and a multitude of tenants, and the critical factor is that in these cases the landlord deals with waste disposal. When that is true, there is a whole series of things the landlord can do. The landlord can set up a series of bins for waste separation. The landlord can do a growth audit of the wastes that go out from the facility as a whole by landfill tickets and so on. The landlords can control their own wastes, but the landlord's own waste is less than 2% of the total. The landlord's waste would be paper towels from the bathrooms, cleaning products used to wash the floors and lightbulbs from the ceilings. All the other waste that comes out of that shopping mall will be generated by the tenants and there is absolutely nothing the landlord can do about it. The landlord does not have the power in the existing leases, and there is nothing in the bill or in the draft regulations or in the initiatives paper that would give the landlords the power, to make tenants tell them what they were going to buy or change from styrofoam cups to some other kind of cups or anything else of that sort.

The bill is set up and the initiatives paper indicates that the landlord will be punished if he does not do things he cannot do. This cannot work. It cannot be in the interests of society as a whole to set up a battle that will end up in the courts with everybody waving the charter at each other. It will be wonderful for lawyers like me and it will be dreadful for everybody else.

What we came in to say is, make the obligations you impose consistent with the rest of the legal powers and duties of the different parties. What we are saying to you is that you must distinguish between three different groups. First of all, there are the waste generators. This will be the tenants. It is only the tenants who can decide whether or not they are going to sell drinks in styrofoam cups. Next there is the person who has the legal responsibility for the waste disposal by that generator. In a multitenant facility where the landlord does the waste disposal, then you can require the landlord to do things like set up multiple bins. But in the third group of cases, where the owner is simply the owner and does not have any part in the waste disposal, then it is the person who deals with waste disposal who has to do those things, the waste audits, the waste reduction and the source separation.

The way you should do that is by amending these two clauses. If you look at page 4, at the top of the page you will see a recommendation. Three paragraphs down we suggest two changes of wording. In the proposed clause 136(4)(k), which deals with requiring people to establish waste disposal sites and waste management systems, right now you are proposing that it should be municipalities or anybody else. That would mean the cabinet could adopt a regulation that says, "Ms Marland, you set up a waste management system for all the tenants in an industrial mall 100 miles away." There is no requirement in the bill that there be any logical connection or any legal connection between the cabinet's regulation and the obligation. What we are saying is that the obligation should be imposed on "municipalities and persons who manage wastes generated by waste generators." In that way you are imposing the

obligations on the people who are in a position to carry them out.

Similarly, in clause 136(4)(r) the bill that is before you proposes to allow cabinet to adopt regulations requiring owners of premises to do things in relation to waste management whether or not they can do that. Again, we are suggesting you should change the wording of the clause so the obligation is imposed upon "municipalities and other persons who manage wastes generated by waste generators."

#### 1510

What that would mean in the case of the shopping mall everybody likes to think about is that the cabinet would have the authority to regulate the waste management activities of the landlord to the extent that the landlord carries out such activities. The landlord would have to put in bins and so on, would have to audit his own wastes and would have to post his own work plans in his own common areas, but it would make clear that those obligations could not be imposed in relation to the tenants. There is no way a landlord can do that.

There is a second issue as well, and you will see that on the bottom part of this page, on lack of clarity. This is really not so much something you can do in your committee, other than by sending a message back to the minister. The bill itself simply provides for authorizing legislation. There is a series of powers that are relatively vague saying there can be regulations about practically anything in the waste area. The problem we have seen in the waste reduction initiatives paper and in the draft regulations that have been issued to date is that there is an intense lack of clarity as to what people in the real world are actually supposed to do.

The waste reductions initiatives paper, for example, requires every commercial premise of any significant size to be audited in relation to the waste that was produced in 1987. What if the premises did not exist in 1987? What if they were completely rented then and are only half rented now, or if the businesses changed? There are a number of different factors that can apply that so far the ministry has not found any way to address and that would put people owning and operating premises in the real world in an impossible position.

The same kind of thing applies to construction and demolition. The ministry seems in its waste reduction initiatives paper to be intending to require an across-the-board waste reduction. What do you do with things like construction waste in a shopping centre where a company may be taken over by one of the tenants or may be taken over by another company? There is a lot of construction work to change the signs, change the colours, change the layout to the new company's market. What if there are changes in marketing techniques or legal changes that apply to the tenant? There can be at times great flurries of construction in a shopping mall that the landlord would not have any control over, and it will vary erratically over a period of decades. How is the landlord to handle something like that in terms of the quotas that are to be imposed?

There is a question of lack of clarity, and really all we are saying there is, "Please send a message back to the



ministry that when the regulations are adopted, they have to deal with these kinds of practical details."

In the last part of the submission, you will see there is a series of pages dealing with voluntary programs that have been put in place by some of our members. The purpose of this is twofold. First of all, we want to show you that if you follow our suggestions in terms of the amendments you can still get what you want, which is very substantial waste reductions. We all want to see that. It does not make sense to be filling up landfills as fast as we are doing it.

If you look, for example, at the Erin Mills Town Centre, which is the second numbered page, you will see that in 1991 they were able to recycle 51% of the waste from that shopping centre through voluntary measures by the landlord, with substantial cooperation by the tenants. Similarly, if you look at the Quinte Mall on pages 4 and 5, followed by an actual waste audit—the numbers are on page 8, estimating a waste diversion this year of 41%—you can get very substantial waste reductions through the kind of structure we are suggesting.

That all depends on recycling making economic sense. If it is twice as expensive to recycle as it is to just throw it in the dump, then with all due respect, all the regulations in the world are not going to make this system work. But if the recycling program as a whole can be made to continue to work so it is more expensive to dump things than it is to recycle them, then we think the initiatives your committee is considering could be very effective. That is the gist of what we wanted to say.

**Mr Martin:** I would certainly like to thank you for your presentation; your comments were very helpful. I particularly appreciated the positive tone with which you presented your very real concerns here. I am under the impression that you have already made these concerns known to the ministry and have entered into a dialogue with ministry staff. I would venture to say they will be much appreciative of the points you make, because certainly in drafting the regulations we want to be as realistic as possible. We do not want to set up situations where you cannot comply simply because it is impossible but to work with you around that. In your consultation so far with the ministry, have you had a sense of a good dialogue happening or has it all been one way?

**Ms Saxe:** It is a little early for us to say. I had some informal discussions with members of the ministry, and then we went in last week and made a formal presentation and gave them a copy of this submission and they said they would think about it and we would hear eventually. We are hoping that, in fact, they will. We did not, at that time, have wording developed for the bill. We thought that would really be appropriate for today.

**Mrs Marland:** I would like to commend you for this presentation. It is so straightforward and so common sense I wonder why you would have to bring it. I would have thought the ministry might have had enough people who would have understood this, if it had taken the time to consult at all, without your having to come and tell us the obvious.

**Ms Saxe:** I have to tell you that we thought so too.

**Mrs Marland:** I am sure you did. I am happy to see that the Dixie Value Mall in my riding is doing its share of recycling, and I am proud of its work.

I am not very optimistic about the ministry changing very many of its proposed regulations or the direction of this bill, because it seems bound and intent to put the private sector in this province out of business one way or the other, and this is just another avenue for it to attack private business. Do you think they are going to listen to this proposal and the fact that your comment is pure common sense, in essence, in response to a piece of legislation or a regulation that asks you to do the impossible? Do you think they are going to respond by understanding what it is when you are saying the obvious to them?

**Ms Saxe:** We hope they will. I worked for the ministry for many years and I know that most of the people there really are trying their very best to do the right thing. So we hope that given this kind of information, which probably did not occur to them beforehand, they will make the appropriate changes.

The other piece of the puzzle is that, as I was suggesting, drawing regulations and legislation is only a small piece of the puzzle. You cannot make water run uphill by saying, "Thou shalt run uphill." If recycling saves money, the program will work. If recycling costs money, it will not work.

You probably all saw that article in the Financial Post about what is happening to the value of recyclable materials. The cost of recycling is going up all the time. We have one sheet in here where one office tower in Toronto, rushing to recycle, found it is now costing more than it would if they had simply thrown it all out. This is an urgent problem for the ministry to deal with, because if it cannot be made economic, it will not work.

**Mr McClelland:** I very briefly thank you for bringing the presentation and laying it out so plainly and clearly. I hope it is responded to favourably for you, and good luck. Keep up the good endeavours. That is about all I can say.

**Mr Wiseman:** Your last comment put a question in my mind right away. You talked about recycled material and what to do with it, and what is rather interesting is that in New England in the United States newsprint is worth nothing, and when you go to the west coast it is worth \$40 a ton. It is worth \$40 a ton because California has regulated the content requirement of newspapers in the California market. Have you any suggestions you could offer us in terms of the kinds of things we could do to ensure that there is a market for the recycled material and that it is a market that will make a return that will allow for the products to be used as they are in California, at a good rate?

**Ms Saxe:** I have to say that I do not have a brief from CIPREC to develop theories for approaches to regulation by the ministry, but if there is anything I have learned—I have been in this field for 15 years—it is that just passing the regulations and sending prosecutors out does not do very much. There has to be an integrated economic strategy. Procurement policies are one thing; minimum content policies are perhaps another. Careful attention to real economics is absolutely essential, and that is one of the things we

are constantly trying to tell the ministry, and we hope it listens.

**The Chair:** Thank you very much for an excellent presentation. Is there anything you would like to sum up? You have about a minute and a half.

**Mr Daniel:** We just thank you for your attention and we hope we get some results.

1520

#### TOWN OF DUNNVILLE

**The Chair:** We would like to call the next presentation from the town of Dunnville. Welcome. Please come forward. You have 20 minutes for your presentation and we would ask that you leave a few minutes for questions from the members of the committee. Would you start by introducing yourself.

**Mr Kelly:** My name is Brett Kelly, a councillor from the town of Dunnville and also chairman of public works for that community, and I came today representing Dunnville town council and that community. For those of you who do not know, Dunnville is located near the mouth of the Grand River in the region of Haldimand-Norfolk in what was formerly the county of Haldimand. In preparing this presentation, I also spoke to the mayor of Haldimand, who shares our concerns about this bill. I also spoke to representatives of the region of Haldimand-Norfolk, the Haldimand Organization for a Pure Environment, or HOPE, and the environmental hazards team. I have also reviewed the presentations and documentation from AMO and Rage, which is Rural Communities Against Garbage Exportation. Many of the views of my council correspond to those of those groups mentioned.

This committee may wonder why a person such as myself from a place such as Dunnville would think it important to address you. There are actually several reasons. Primarily we are concerned with the further erosion of municipal authority that is found in Bill 143, and specifically the right of our municipality, via the region, to determine how we wish to operate and oversee our trash disposal within our boundaries. We feel this is a very important municipal right. We are concerned that Bill 143, if passed in its present incarnation, will further isolate people from the decision-making process by entrenching it in a bureaucracy and bestowing it on a director far removed from the affected municipality. We are concerned that this bureaucracy, located in Toronto, will make decisions that will impact on Dunnville based on the needs of Toronto and not on those of Dunnville.

We are concerned, because if one looks at a map illustrating the soil types found in this province, one would find that our area is blessed—cursed?—with an abundance of clay. This is not a revelation. We were victimized by map-gazers once before when the Ontario Waste Management Corp decided unilaterally to locate a PCB disposal facility in South Cayuga because of the clay. We are concerned that something like this will happen again.

I believe the most disconcerting section of this entire act must be the amended section 29 of the Environmental Protection Act. Under this section a municipality's right to

decide on the necessity of extending, maintaining, operating etc a waste disposal system is removed, and the municipality can now be ordered, without consultation, to undertake these operations. Furthermore, this order can include "waste from such sources outside the boundaries of the municipality." Since the minister can delegate her authority to a director under the act, the decision-making authority is removed from any elected responsible body. The comment made was that this is the War Measures Act of garbage.

I have heard that the intent of this bill is to provide for a means of action should a garbage emergency arise. This is not as clear as one would hope it to be, especially the amendments to the EPA. The only indicator of this occurs under the statement that the director will act if he finds it advisable in the public interest. What determines this and what is the threshold? I would hope that he always acts in the public interest and I believe that acting in the public interest should be a part of his job description.

The amendments to the EPA are also unclear as to who will bear the burden of cost under this new plan. Although the province is assuming all control over regulation and how to administer, there is nothing that states the province will assume all costs. In fact, the amended subsection 136(4) would indicate through its wording that the costs will be borne by the municipality that has been ordered to provide the landfill.

We are also concerned to a degree with the first two sections of this act dealing with the Interim Waste Authority, primarily because it rides roughshod over the Planning Act, any district plans a municipality may have or any laws or agreements, and omits the OMB from the process. At present this portion of the act concerns the three areas named for landfill sites. However, once the political heat gets turned up in those areas to fight these sites, I am afraid amendments will be made that will then include other municipalities, such as our own.

These other acts were put in place to serve a purpose, one of which is to protect the citizens against their own government. We do not expect our government to merely discard them because they do not suit the policies of the present government or because the government wants to expedite a project, particularly in the area of the environment. I understand that this government was left with a tremendous mess to deal with, and if proper foresight had been used by the previous government, we would have dealt with this problem a long time ago. However, the way to deal with this is to plan properly, use the process for the purpose it was put into place for and do it right, and not to take shortcuts, which I believe this bill does.

While I am not here to say that Dunnville would never accept another community's trash, in particular Toronto's—although it is my personal view that we should not—what I am saying is that the decision to accept or not accept should be left to the host community, a decision based on the needs of that community made by its elected representatives in concert with the elected representatives of the community that has the problem. Therefore, we set the tipping fees, we determine what types of garbage and how much and for how long, and the minister's role will



be to set the specifications for the safe transport of that material and for the regulations covering the specifications for siting and design of the landfill so that the landfill is constructed and maintained under the safest possible conditions.

I would also like to comment on several other areas of the bill, in particular, the sections dealing with landfill capacity. While I believe that much effort can and should be made in the areas of the 3Rs—and this bill does begin to address those—and that these will decrease the volume going to landfill, I do not feel that the 20-year capacity of a landfill should be based on projected reduced volumes. The goals are good and commendable; however, if they are not met, the lifespan of these landfills will be reduced and we will end up back where we are today. By basing landfill size on present needs and growth and then reducing volumes with the hope of achieving certain goals, we will extend the life of the landfill and save money in the long run and give ourselves time to better plan the next generation of landfills.

I would also like to congratulate the minister on her decision to eliminate incineration as an option to waste disposal. We differ from AMO on this point, and it is an important point. The AMO statement in its documentation that there is no empirical evidence for this decision could not be further from the truth. I would like to see stronger wording on this point from the minister. I would also like someone to tell me if it is true that the Minister of Energy still considers energy from waste, which is a nice euphemism for incineration, as a viable electricity source, because if this is so, then the problem has not yet been completely eliminated.

To conclude, I would like to reiterate a few important points. While I commiserate with the minister over the problems she has been left with, I hope she does not act in haste. I understand that tough decisions must be made. That is the burden of all ministers. However, those decisions can be made in the framework of many of the current laws of this province. There are good ideas in this act and they demonstrate that you are coming to terms with this problem. However, you must allow people to act through their elected representatives and you must allow them to have recourse to the laws that have protected them in the past. I would like to conclude with those statements.

**Ms Haeck:** Thank you, Mr Kelly. I represent a riding that is not too far from yours. I live in the city of St Catharines and have had the pleasure of going through your lovely community on numerous occasions.

I want to raise a point about host communities. We have the OWMC not going to South Cayuga but coming to the town of Lincoln, not far away. They have not exactly been jumping for joy about getting that one either. You make a comment that the community should decide, yet you are not happy with the fact that Toronto's waste may be visited on the outside, beyond the GTA.

**Mr Kelly:** Yes.

**Ms Haeck:** You say, "What I am saying is that the decision to accept or not accept should be left to a host

community." Could you give me a clear definition of what you see as a host community?

**Mr Kelly:** I believe the community that has the trash problem has the responsibility to deal with it itself. If for some reason, due to soil factors or other geological factors, they are unable to place a landfill there, then obviously they would have to go outside their boundaries, in which case they would have to find another community that would take that trash, and then it would be up to them to try to enter into an agreement with that host community to receive it.

1530

**Ms Haeck:** Do you see any limitation on the distance? In the case of Kirkland Lake, that is rather a long haul.

**Mr Kelly:** Yes, it is.

**Ms Haeck:** There is a whole series of other environmental problems en route and there is even some question if Boston township, where that mine site is, is under the umbrella of the town of Kirkland Lake. It raises some questions. How would you deal with those kinds of anomalies?

**Mr Kelly:** Again, it would be up to the minister to put in specifications for the safe transport. Can you transport it by train? Do you want to transport it by rail or do you want to transport it over land using transport trucks? What would be the safer option? That is where the Minister of the Environment would have a role.

I understand that yes, Kirkland Lake is quite far off. I do not know and I am not sure of the history, but I believe perhaps that was initiated by Kirkland Lake and not by the city of Toronto, as far as being a host site is concerned. I am not entirely sure of that.

**Ms Haeck:** Toronto had a certain amount of a role to play.

**Mr Kelly:** Certainly; I imagine there was some communication back and forth. However, I think that is the role that has to be played.

**Ms Haeck:** Dunnville does not really want to be included as a possible site for any of this.

**Mr Kelly:** We would not turn you away immediately. We would want to be able to negotiate it and speak with our people, with the constituents, and see whether or not they wanted it and lay out the benefits and costs and then make a decision. But with the way the bill is worded now we would not be afforded that possibility. We would be told by the director that we would have to take it. There may be some clauses that allow for some consultation and presentation by groups, but the municipality that previously controlled it and any other elected body would be completely left out. I believe that is the crux of the problem we have with this bill.

**Mrs Marland:** Congratulations, Councillor Kelly, on being here this afternoon. You raise one important question when you say, "I would also like someone to tell me if it is true that the Minister of Energy still considers energy from waste, which is a nice euphemism for incineration, as a viable electricity source." I think it would be interesting to ask the Minister of the Environment if she still holds to her ban on incineration covering refuse-derived fuel. I would

like to ask the parliamentary assistant. I gather Mr O'Connor is the parliamentary assistant for the GTA and Mrs Mathysen is the parliamentary assistant for the Minister of the Environment.

**The Chair:** Mr O'Connor is carrying the bill for Mrs Grier.

**Mrs Marland:** Yes, but am I clear on their PA positions?

**The Chair:** Yes, that is correct.

**Mrs Marland:** Okay. Perhaps Mr O'Connor could answer the question. I have a letter here from Mrs Grier dated 26 June 1991—hand-dated by the minister, by the way, which is unusual—which says, "Refuse-derived fuel produced from municipal solid waste is covered by the ban I announced on 11 April 1991." I wanted to share that with you.

**Mr Kelly:** Thank you.

**Mrs Marland:** I think that would supersede whatever the Minister of Energy might think about garbage being a viable electricity source. It does not become a viable electricity source until it has driven the turbines by heating the water, I guess.

**Mr Kelly:** Yes, true.

**Mrs Marland:** Obviously we share the concerns you have brought to this committee in a very clear and deliberate way this afternoon.

**Mrs Fawcett:** Thank you for being here. I visited Dunnville last week for a little gathering.

**Mr Kelly:** Who are you campaigning for?

**Mrs Fawcett:** Actually, for Ron Eddy, I believe.

**Mrs Marland:** I was there for Mr Timms.

**Mrs Fawcett:** A lovely little place.

Interjections.

**The Chair:** You have the floor, Mrs Fawcett, and everybody else is out of order.

**Mrs Fawcett:** I too share your concerns about the sweeping powers that seem to have been taken away from the municipalities and are now with the minister, but I wonder what your thoughts are on the inspectors who now have been given extra powers too, I think, and who certainly seem to take away some civil liberties of land owners, and I have to say farmers, and you have that lovely clay land.

**Mr Kelly:** I had not really given too much thought to the inspectors who would be coming in to do the testing of the land. Again, I believe the way it is worded is jumping the gun. If they are going to consider a community, I think the community should be notified first and then a decision can be made from there and a site found.

**Mrs Fawcett:** Maybe if the municipality had a say in this.

**Mr Kelly:** Yes, that is correct. But simply to say, "We want to come and do some soil testing and take some core tests because we think this is a good place for a dump," I think sets everybody off on the wrong foot.

**Mrs Fawcett:** Right, and they will not just say, "We want to"; they will say, "We're coming."

**Mr Kelly:** No. Most of them duck-hunt.

**Mrs Mathysen:** Thank you for coming here. We appreciate the information you bring. I wonder if you were aware that in her opening statement to this committee the minister indicated that her power under section 26 would not be delegated and that the bill would be so amended. She also said that transfer of waste would be limited to five years, and that part III of the bill is strictly limited to landfills in the GTA and cannot be applied elsewhere. Did you receive the minister's statement? Were you aware of it, and could you respond to these changes now that I have mentioned them to you?

**Mr Kelly:** No, I was not aware of the minister's statements with regard to those areas. I understand that yes, it is limited. It may be limited to the GTA, but how far does the GTA extend? How far south does it extend? Is there a map available to us?

**Mrs Mathysen:** I believe there is a very specific area that is designated as GTA.

**Mr O'Connor:** The regional municipalities of Durham, York, Peel, Halton and Metropolitan Toronto are the GTA.

**Mr Kelly:** Okay. With regard to the statement that it would be only for landfills, that is fine. It was not made clear that the Environmental Protection Act was being amended strictly for the greater Toronto area. In my reading of the bill, I did not see anything that specifically said these amendments apply solely to this area. The way I read it was that these amendments were for the Environmental Protection Act.

**The Chair:** That is part IV of the bill. Just to be helpful, would the ministry clarify? Does part IV of the bill apply to everyone in the province?

**Mr O'Connor:** That is correct. Parts I and II deal with the IWA, part III deals with the gap and part IV deals with the province and the Environmental Protection Act.

**The Chair:** I think it is important that be clarified.

**Mr Kelly:** Yes. Thank you.

**The Chair:** There is one minute if you would like to sum up.

**Mr Kelly:** No, just that I am very thankful and grateful for the opportunity. This of course is a new experience for me, as it has all been for the last four months, and I hope to come back soon.

**The Chair:** Councillor Kelly, thank you very much for appearing before the committee today. We appreciate your presentation. As I have told others who have appeared before the committee, if there is additional information you think might be helpful to committee members, please feel free to communicate with us in writing.

**Mr Kelly:** Are there transcripts available?

**The Chair:** Yes. Transcripts are available, Hansard, through Publications Ontario, which is at 880 Bay St. It usually takes a few weeks before the final Hansards are available at Publications Ontario. If you contact any of the



committee members, we sometimes have a rough draft if there is something you are specifically interested in earlier than that. That is not always possible.

The clerk has just informed me that each witness and presenter who appears before the committee will receive a copy of the Hansard of his or her presentation.

**Mr Kelly:** That is great. Thank you.

1540

#### COUNTY OF SIMCOE

**The Chair:** I would like to call our next presentation. County of Simcoe, please come forward. You have 20 minutes for your presentation. Could you begin by introducing yourselves to committee members, and if you would, leave a few minutes at the end for questions from committee members.

**Mr Caldwell:** My name is David Caldwell, county councillor and vice-chairman of our environmental services committee, and the person in attendance is Steen Klint, our director of environmental services.

**Mr Caldwell:** It is a real pleasure to be able to attend before you and make a presentation today, and I appreciate your time. We have not had a great opportunity to review this at the local level so there may be some dialogue later that we wish to get into.

The preamble of the county of Simcoe's response to Bill 143 is that in February 1990 the county of Simcoe passed a bylaw empowering the county to assume all the waste management powers, assets and liabilities of the county's 33 member municipalities.

The county operates 16 active landfills, three active transfer stations, a recycling depot, a recycling processing centre and three ongoing waste management master plans. Of the three master plans, south Simcoe has identified a preferred site, north Simcoe has an adjourned EAA hearing that possibly may resume in 1992, and the Georgian Triangle master plan in west Simcoe has identified six candidate areas for landfill for further testing. In three of those areas, access to the candidate areas for inspection and testing purposes has been denied, and the master plan site selection process is stalled while these difficulties are being resolved.

Finally, the warden of the county of Simcoe at the direction of county council has written to the Minister of the Environment for approval and funding of a waste management master plan that would include the rest of Simcoe county. The letter from the warden of the county to the minister has been unanswered and unacknowledged for more than a year despite direct inquiries from the county and despite the matter being brought to the attention of the Legislative Assembly in November 1991.

The following are the recommendations for amendments to Bill 143 that we see at this point.

**Recommendation 1:** The municipalities of Ontario should be consulted from the outset on legislation such as Bill 143. The Honourable David Cooke, Minister of Municipal Affairs, in his remarks to the 1992 Rural Ontario Municipal Association conference expressed the province's desire to become equal partners with the municipalities of Ontario

and expressed a desire to receive input on all issues. Bill 143 has not taken this consultative approach, and the legislation as it stands does not treat the municipalities as equal partners. Further consultation on Bill 143 and any amendments to Bill 143 should take place before any further readings of Bill 143.

**Recommendation 2:** All municipalities in Ontario should be included in any changes in the legislation or on legislation such as Bill 143. Bill 143 seems to be based on a sudden perceived need for waste management solutions in the greater Toronto area or GTA. There are waste management needs that must be addressed in other Ontario municipalities such as Simcoe county as well.

Of the county's original 33 member municipalities, 16 municipalities are disposing of waste under the authority of emergency permits. The county as a whole will have no remaining physical capacity in an estimated six to eight years. Many of the county's individual municipalities will have pressing waste management needs sooner than that as a number of Simcoe county landfills will have to close in the next several years. Any legislation that may help the GTA avoid a crisis should also be available to Simcoe county.

**Recommendation 3:** Sections 6 through 10, inclusive, concerning the appointment and training of inspectors, powers of entry, inspection for testing, restoration, compensation and other aspects of testing and inspecting property for waste management purposes should be available to other municipalities such as Simcoe county. One of the Simcoe county waste management master plans has been stalled for a year over this very issue of access to private lands for evaluation purposes.

**Recommendation 4:** Subsection 11(4) concerning offence and obstruction should include corporations and municipalities. Section 11 should also include a subsection that would address the penalties involved.

**Recommendation 5:** Section 12 concerns the location of landfill sites within designated municipalities. This section of the act, which streamlines the selection of a waste disposal option for a municipality by predetermining that certain geographic areas will receive a landfill of a pre-designated capacity, should be made available to other Ontario municipalities as well as the GTA. If there is a solution to the current deficiencies in the EAA process for selecting waste management disposal options, it should be made available to municipalities such as Simcoe county.

**Recommendation 6:** Section 13 concerning waste diversion estimates should be made available to other municipalities such as Simcoe county.

**Recommendation 7:** Section 14 concerning environmental assessment should be made available to other municipalities such as Simcoe county.

**Recommendation 8:** Section 15 concerning policies, environmental assessment and approvals should be made available to municipalities such as Simcoe county. However, the policies referred to in subsection 15(1) should be clearly defined prior to the implementation of Bill 143.

**Recommendation 9:** Section 16 concerns participant funding. The applicability and intent of section 16 is not clear and should either be removed, revised or clarified.

**Recommendation 10:** Subsection 17(4) concerning compliance of waste management systems should be clarified to indicate which municipalities subsection 17(4) refers to and which municipalities are referred to in clauses 17(4)(a), (b) and (c). Furthermore, the general principles of section 17, if they are to be made available to the municipalities of the GTA, should be made available to other Ontario municipalities.

**Recommendation 11:** Section 18 concerning certificates of approval should be made available to all other municipalities if it is to be made available to the municipalities of the GTA.

**Recommendation 12:** Subsection 18(4) concerning notice should be amended to include a newspaper of general circulation in the area municipality in which the system or site is located.

**Recommendation 13:** Subsection 18(6) concerning submissions should be amended in consultation with other Ontario municipalities to allow for a longer period of time for submissions. A minimum period of 90 days is recommended. This period of time would allow for municipal consideration of the notice, the acquisition of expert technical advice, a legal opinion to the municipality on the expert technical advice and endorsement of a submission by council.

**Recommendation 14:** Section 20 concerns regulations. Clarification is requested on the intent of this section.

**Recommendation 15:** Section 26 concerns amendments to section 29 of the Environmental Protection Act. In the proposed amendments, subsection 29(1) should be amended to read "minister" rather than "director" for the purpose of providing accountability to the electorate.

**Recommendation 16:** Section 26 concerns amendments to section 29 of the EPA. In the proposed amendments, clause 29(2)(a) concerning the collection and transport of waste and clause 29(2)(b) concerning the acceptance of waste should be deleted. Upper-tier municipalities such as regions and counties should be given sufficient power and authority to effectively deal with waste management within their municipal boundaries. This can be accomplished through the implementation of some of the provisions of Bill 143 if they are made available to all municipalities of Ontario on a fair and equitable basis.

**Recommendation 17:** Clause 33(2)(j) concerning the regulation of financial management of municipalities by the Ministry of the Environment should be deleted. Municipalities need to determine the method of financial management satisfactory to the electorate. Other provincial ministries such as the Ministry of Municipal Affairs are available to assist local municipalities. Other acts such as the Municipal Act, RSO 1980, c 302, and the Municipal Affairs Act, RSO 1980, c 303, regulate local municipalities.

**Recommendation 18:** Clauses 33(2)(k) to (t) regarding various aspects of waste management in municipalities should be deleted from Bill 143 and developed in consultation with the municipalities of Ontario before these regulations are introduced.

**Recommendation 19:** The title of Bill 143 should be amended to read as follows: "An Act respecting the Management of Waste in Ontario and to amend the Environ-

mental Protection Act." Perhaps that one should have been first, but I have it last. Those are my comments.

1550

**Mr Sola:** In regard to recommendation 1 where you quote David Cooke in his statement saying the province wishes to become "equal partners" with municipalities in Ontario, I wonder how equal you feel with Bill 143 where the Minister of the Environment can by decree make all the decisions and yet unload all the responsibility upon the municipalities.

For instance, she can decide what garbage is, she can decide where it will be placed, can disregard all the safeguards we have had to date like the EAA and the EPA, can decide which boundaries will prevail, whether they are political boundaries or any other kind, and can decide whether environmental concerns will be considered or discarded, but she will use the municipalities to do the dirty work. They will have to do the collection, will have to do the disposal, will have to pay for doing the dirty work and as well will wind up getting the flak from the public if it is dissatisfied. They will get the flak for having to raise taxes to pay for the job being done and also for dumping the garbage in somebody's backyard. Do you consider that an equal partnership?

**Mr Caldwell:** That has been one of the concerns, that the decision-making could be made by one individual, the way this legislation is set up, without any regard to how it may or may not affect people or groups of people. One of the concerns was that it appears, the way the legislation is written, that only the GTA would have that ability. The concern is, is the rest of Ontario second-class citizens or not citizens at all, given the fact that the GTA, as proposed here, would be given the ability to have powers that no other municipality in the province would have?

**Mr Sola:** In other words, even that is not an equal partnership. The GTA is a senior partner and the rest of the province are junior partners in this three-way partnership with the province.

**Mr McLean:** Welcome to the committee from Simcoe county. In recommendation 5 you talk about landfill sites designated. Is it your interpretation of Bill 143 that the minister could designate any garbage from Toronto to go to any site in Simcoe county?

**Mr Caldwell:** Anywhere in Ontario; it does not say otherwise.

**Mr McLean:** I thought not long ago the ministry made a statement that the GTA would look after its own garbage and then instructed Britannia and Keele Valley to expand without an EA, but I did not think in that announcement it would allow garbage to go from Toronto to Simcoe county.

**Mr Caldwell:** As I recall the announcement, each municipality was going to look after its own garbage. I took the term "municipality" to mean Metropolitan Toronto would look after Metropolitan Toronto's garbage, a region would look after a region's garbage, a county would look after a county's garbage, and if it is a small municipality and it has not formed into a group yet, then it would be



responsible for its own garbage. Basically the intent of what I understood to be said at the time was that the GTA would certainly look after garbage within the GTA, but that is not what the legislation as proposed says, in my opinion.

**Mr McLean:** Does the county of Simcoe waste management committee fear that there will be garbage directed from the GTA to your jurisdiction?

**Mr Caldwell:** Very definitely.

**Mrs Mathysen:** Thank you for presenting this. You have given us a lot of quite interesting ideas. I just wondered if you were aware that two discussion papers are planned for the very near future. They are coming out soon, one from the Ministry of the Environment that will look at waste management planning and one from the Ministry of Municipal Affairs that will look at waste management powers. I believe this has already been discussed at the Association of Municipalities of Ontario and I wondered if you were planning to be part of that consultation and discussion process.

**Mr Caldwell:** I was not aware of the papers and I would not mind receiving copies.

**Mrs Mathysen:** I guess you can get in touch with AMO. They are coming out very soon and they address this whole issue of consultation so that municipalities can have planning and the powers they need to manage waste.

**The Chair:** Thank you for appearing before the committee today. We appreciate your presentation. If over the course of our deliberations there is additional information you think would be helpful to us, please submit it in writing through our clerk. Is there anything you would like to leave us with, any summation?

**Mr Caldwell:** No.

**Mr McLean:** Can I get a question on the record for the ministry, Madam Chair?

**The Chair:** By all means, Mr McLean.

**Mr McLean:** The question I would like to put to the ministry is that I asked the question here with regard to GTA garbage going to anywhere in Ontario. I got nods from the member for Durham-York that my impression is not true. I would like it in writing from the ministry if it is true that GTA garbage can go anywhere in Ontario under Bill 143.

**The Chair:** Is the next deputation ready to proceed? Mr Longo?

**Mr Millard:** Just to comment, Madam Chair, Mr Longo is not here.

**The Chair:** We will be happy to recess until he is here. You are scheduled for 4:20. If he is here before then we can reconvene earlier, but until he does arrive, if that is acceptable to committee members, we will recess until you are ready to proceed.

**Mr Millard:** Fine, we will advise as soon as he arrives.

**The Chair:** The committee stands in recess. We will reconvene as soon as the delegation is ready to proceed. Please do not go too far away; five minutes at least.

The committee recessed at 1558.

1606

#### ANTREX DEVELOPMENT CORP

**The Chair:** The standing committee on social development is now in session. I would like to call the next presentation. Please begin by introducing your delegation to the committee. You have 20 minutes for your presentation. We would appreciate it if you could leave a few minutes at the end for questions.

**Mr Longo:** My name is Longo and I am a solicitor at Aird and Berlis. With me is Mike Millard of Milran, a consultant to Antrex Development and other developer-landowners surrounding the Britannia site. Dominic Conforti is the director of land development in engineering at Antrex (Lakeview). I have provided to the committee clerk a copy of our written submission, which has in it about five or six pages of notes together with accompanying background material that I will be referring to during our brief presentation.

There are many things we would like to talk about concerning Bill 143, but recognizing the time restraints this committee is working under, we would like to focus on one aspect today that deals with section 19 of Bill 143, the compensation section. We have been attempting to follow the submissions this committee has received from various delegations over the last two weeks, and we fear that much that has been said of this section has maligned it unfairly. We would like an opportunity to indicate our submissions as to why we believe this committee should recommend that it be maintained in the bill.

As you can see from page 1 of our submission, it is our recommendation that section 19 be retained but be revised to explicitly provide for the following: first, designate who is to pay the compensation; second, establish an expeditious and fair process for the determination and payment of compensation; third, clarify that the compensation for developer-landowners includes their carrying costs, which is the financing and taxes associated with their deferred developments that result from the extended use of the waste disposal sites referred to in Bill 143.

Perhaps I could provide a brief background concerning this matter. As you have heard already, Bill 143 completely suspends Antrex's legal rights—statutory, contractual and common-law rights—to develop its lands pending the ultimate closure of the extended operations of the Britannia site. I reference subsections 17(5), (8) and (9) of Bill 143.

Mr Millard and I represent Antrex as well as other developers around the Britannia site, including Orlando Corp and H & R Developments, but we thought it would be of assistance for this committee if we focused on one particular case study to appreciate the concerns we wish to raise, so we have chosen Antrex as an example of how this legislation affects this developer-landowner.

Antrex purchased its lands in 1986. Its lands are found on page 6 of the brief we have submitted to you. When Antrex bought in 1986, it purchased with the knowledge of and reliance upon the then existing planning and contractual regime in the region of Peel. As you can see from page 2 of our brief, we extract for the committee's assistance the sections of the official plan of Mississauga that indicated

the Britannia landfill site was to be limited to a maximum of 12 years. That is found in section 4.9.7.1, subsection (b), of the official plan.

The official plan was implemented by zoning bylaw 161-78. As you can see from the bottom of the page, that indicated that the lands were to be zoned 01, which was an open space zone, to allow for the ultimate use of the site for golf course recreation. It noted that the sanitary landfill site would be permitted, "provided however that such use shall be permitted only for a maximum of 12 years from the date this section comes into force." That bylaw came into force on May 31, 1978, and therefore was to expire in May 1990.

Not only were the official plan and zoning policies in place in Mississauga, but Antrex also relied on a binding legal agreement between the region of Peel and the city of Mississauga, which I have extracted on page 3. I provide the entire agreement on pages 12 and 16 of our brief.

As you can see on page 3, clause 3 of this 1977 agreement has the region agreeing to the official plan and zoning bylaw provisions I have just referred the committee to. Furthermore, you can see that subclause (c) of the agreement provided that the region "Agrees that it will restrict the sanitary landfill operation to elevations not to exceed the contours shown on" certain engineering drawings "with a view to limiting the landfilling operation to a maximum of 12 years."

That agreement was entered into by the region and the city, and as a result of that agreement being entered into, the Ontario Municipal Board was presented with the official plan and zoning bylaw I have referred to. If you look at page 9 of the brief, the second paragraph from the bottom, you will see that when the OMB granted its approval to these documents: "It was suggested that the region should seek a larger site. The point is debatable. This site is only to be used for 12 years at which time it is to be converted into a park. If a larger site were acquired, this period would be prolonged to the discomfort of the adjacent owners."

In 1990 the 12 years were just about ready to run out, but the region recognized that it had not yet reached the contours that had been agreed upon back in 1977. What the region requested the city of Mississauga to do was to amend the zoning and official plan to take away the 12-year period and replace it with a limitation that said, "We will agree that the landfill could be used until the agreed-upon contours have been reached."

Our client expressed concerns with the city at that time indicating that we had purchased and were expecting to develop by the 12-year end, but we recognized that as the contours had not been met, that was an issue where the region could ask the municipality to amend the bylaws, and so it did. It is our submission that Antrex has justifiably relied upon this binding contract and the provincially approved land use policies.

If we turn to page 4 of our brief, I would like to outline in a very concise way the nature of the holdings of Antrex (Lakeview). If you look to page 6 you will see that there are three specific holdings of Antrex.

The first I wish to refer to is the one that is located to the east of the Britannia landfill site with the initials T-86071. The diagram has cross-hatching across that land. That land is draft approved and it is zoned. We have proposed 1,400 plus residential units to be constructed there. The difficulty with developing that land unfortunately is that for some of its services it requires the Rivergrove lands, which are located to the south of Britannia and which are held up by the 500-metre buffer. We have draft approved lands that are ready to go but because Rivergrove is not able to develop, our client is not able to develop that land for 1,400 residential units.

The next section of land is immediately to the west of the land I have just referred to, T-89034. There Antrex has proposed 706 residential units, single family and street town houses. The official plan designation for those lands has been deferred by the province notwithstanding the fact that both the region and the land owner have asked the province to lift the deferral and designate those lands.

Finally, the third piece is located just to the north of the existing landfill site, T-87049. Again, that designation is deferred by the province notwithstanding our request that it be either approved or referred to the Ontario Municipal Board.

The point is that the type of product Antrex has been building is in the majority affordable units under the provincial housing statement. The suspension of Antrex's development rights that result from this bill have a detrimental effect on Antrex's proven ability to meet the affordable housing needs.

As an example, I can advise the committee that Antrex has a site at Matheson and Highway 10 in Mississauga. Phase 1 consists of 1,000 units. They have already sold 750 of those units and closings are taking place this month. All of those units are affordable. They do not have one cent of government money, one cent of assistance or subsidy. These are market affordable units. The market has responded very vigorously in accepting the marketing of these units. Our proven ability to provide that sort of product is being frustrated by the effect of Bill 143.

Second, the bill affects in a very negative way Antrex's ability to carry the land I have just referred you to. You will recognize that this land has to be financed with mortgages. We have to pay taxes on it. If this bill takes effect and Britannia is extended, our ultimate development rights probably are not affected but our ability to develop is suspended for up to five years. Someone has to pay the mortgage and someone has to continue to pay the taxes to carry that land. It is our submission that this is the very thing that should be addressed. I will get to that briefly in a moment. Third, the effect of freezing this land has resulted in losses in employment creation in the construction and service industries.

There are three key issues I would like to deal with. One is, who should pay the compensation? Minister Grier has written to the Peel chairman and advised that the province is not going to pay compensation under section 19. The region of Peel's own accounts indicate the region would be fiscally irresponsible if it did not extend Britannia.



I enclose with our submission at pages 17 and 18 the region's own report that indicates if Britannia is extended it will save the region \$284 million in five years. That is \$1,200 per household in the region. The reason the region can save that money is that the tipping fees it generates are \$120 million, and it saves about another \$160 million in transportation costs. I know Mayor McCallion was in front of you and said we should call this bill the Developers' Guaranteed Profit Act. With the greatest respect to the mayor, I think this bill could be retitled the Region of Peel Windfall Profit Act—\$284 million if Britannia is expanded.

I know chairman Kolb was in front of you just two days ago. He was insisting in his submission that Peel had spent \$8 million looking for a site. "Since the province has taken it over we, Peel, should get our \$8 million back." But in the same brief he says, "Don't give to the developers because they want their damages for speculative business loss." That is the farthest thing from what our submission is to this committee. Our submission is that Antrex and the other developers' legal rights are being suspended by this act.

1620

Readily quantifiable costs—How much does it cost to carry the land? How much does it cost to continue to pay taxes?—are quantifiable and should be compensable. We are not asking for speculative business loss. We are looking for compensation just to be able to carry the land so that we are kept in the same position so that when we do get a chance to develop, we have at least been able to receive some compensation for the loss of not being able to develop it now.

It is true there are certain flaws in section 19. They have been raised, I think legitimately, by some municipalities. One of them was, who should pay? The city of Vaughan did not want to have to pay if it was an unwilling host, an unwilling recipient. Section 19 said they maybe would have to pay. I would tend to agree with that submission.

While there are flaws in section 19, they should be corrected and the section should be maintained. It should not be discarded as the minister and some municipalities have said. If you remove section 19, you are removing the one section that ensures a measure of fairness to what is otherwise a draconian piece of legislation in denying existing rights.

There are, briefly, one or two other issues I would like to address. Antrex supports the six-point program that has been submitted to this committee by the ratepayers in Mississauga. This committee may be aware that on February 6 of this year, ratepayer groups, union reps, developers, and city and provincial politicians met at city hall at Mississauga and were united in their common concern over Bill 143 and the necessity to receive assurances of the limited nature of the proposed expansion and the need to process development applications around Britannia.

Our requests to the regional and provincial governments for information and action have so far gone unanswered. It is certainly our hope today that this committee will recognize the serious effects the suspension of our rights will have on land owners such as Antrex (Lakeview)

and will recognize a modicum of compensation for the loss of their development rights pending the completion of the landfill site. That concludes our remarks and we would be glad to answer any questions the committee might have.

**The Chair:** There is very little time remaining. What I am going to suggest is that members put their questions and then you will have an opportunity to respond to all of those that have been placed.

**Mr McClelland:** I would like the parliamentary assistant to take notice of my question as well because I would be interested in the response from the ministry. In terms of section 19, to the extent that it originally provided for injurious compensation to be paid for by the upper-tier government, would you care to comment in terms of a proposed amendment or a solution that would be acceptable to the municipalities, inasmuch as it is the result of an action or order of the minister, Ministry of the Environment, that such compensation be paid in a scheme more or less consistent with section 44 of the Environmental Protection Act? In other words, to borrow from the spirit of the Environmental Protection Act, maintain the right of compensation but do it in a framework that is consistent with existing legislation.

**Mrs Marland:** I am aware of your dependence on the Rivergrove developments. When they were here this week I asked them whether they would be willing to sign a waiver agreement and register on title the concern the ministry has about any future questions about the ongoing operation of the Britannia site. Although we have received an interim answer from the ministry to that question, I am wondering if that is an aspect that you would be willing to look at also.

**The Chair:** There are just a couple of minutes remaining. Perhaps you would like to sum up, and if there is anything you cannot complete, please feel free to convey it to us in writing.

**Mr Longo:** If I can deal first with the last question from Mrs Marland. Yes, we would agree to that sort of scheme and in fact that is what we have been inviting the minister to do. We have been saying not to hold up the designation of these lands. Approve the designation and recognize that when you do subdivision approval, you can secure in subdivision agreements that warning clauses will be given on title to people advising them of this. I think it is something that can be looked at in an effort to continue processing to approval these developments I have referred to. We would certainly welcome that as a way of breaking the logjam that exists right now.

To respond to Mr McClelland's point, the trouble with section 19 right now is that it says compensation shall be paid, but everybody is going like this when you say who is to pay the compensation. I think this committee should recognize which level of government is the best one to handle compensation. I put forward the fact that Peel has suggested it is going to make \$284 million by an extension of the Britannia site. I am not suggesting it be the province or the region; it should be one of them and the act should say who it is so there is no more finger-pointing and saying it is not me but the other arm of government.

Second, with respect to Section 44, it does provide a system for a right to compensation and outlines a process to be followed, and that is something similar to what we are looking for. We believe there are common-law rights now that exist that would allow us to seek compensation. But as you know, one lawyer can give you an opinion that they are there, and when we go against the region or the province to ask for it, it will find a lawyer saying, "Show us and prove it." That is unnecessarily complex and unavoidably litigious. If the people who criticize section 19 say they already have the right to compensation, why is it so hard to put it in the legislation and remove all that work that keeps lawyers happy, but unfortunately is not the most productive way of society ordering its affairs? That is the type of proposal we would like to see.

**The Chair:** We appreciate your presentation. As I pointed out, if there is additional information you think would be helpful, please submit it in writing. All members of the committee have received your written brief and we very much appreciate your coming before the committee today.

#### STELCO INC

**The Chair:** I would like to call Stelco, the next presentation. Please begin by introducing yourself and your delegation to the committee. We would appreciate it if you would leave a few minutes at the end for questions. You have 20 minutes in total for your presentation.

**Mr Schuldt:** My name is Al Schuldt and with me here today is Sandra Stewart, public affairs manager. I am director of environmental control for Stelco. I am representing the company today in the presentation to the committee.

Our presentation today will deal with resource recovery, an alternative to waste management as it pertains to Bill 143. I will be reading the text that has already been distributed to the members of the committee. I will take about 14 minutes for that and I am certainly prepared to answer questions the committee might have regarding our presentation.

Thank you for the opportunity to speak to the committee regarding Bill 143 and Stelco's views and vision regarding waste management. Stelco's experience and expertise in environmental control activities including waste management is described in the written documentation that has been provided to the clerk for members of the committee. The information includes comments Stelco submitted to the Honourable Ruth Grier regarding Ontario's waste reduction program and points out the significant alignment between the government's objectives and Stelco's current practices. The material speaks for itself and I will not repeat it in detail this afternoon.

#### 1630

Stelco is a major Canadian steel manufacturing company that is composed of many different businesses. Steel-making is not a single-process, single-product operation, but is in fact a richly diverse and complex activity that requires careful coordination and management activities. In spite of the complex nature of our business, we have discovered opportunities to recycle internally a broad range of materials such as large amounts of water, acids,

scrap metal and oil, just to name a few, and we are keen to do more.

We should be clear that our comments today focus on resource recovery, the philosophy Stelco has adopted regarding industrial waste management, rather than the other aspects of the bill that relate to municipalities. In our opinion, however, the same resource recovery philosophy would be an equally effective tool for municipal waste management.

Let me start by saying that we support the legislative intent of the bill, which is to achieve significant progress in the area of the 3Rs: reduce, reuse and recycle. We have many examples of this at Stelco. We are focusing on reducing chemical consumption through the use of recovery technologies, reusing spent oils as an alternative energy source and recycling vast amounts of society's scrap metal. All of these materials result in new steel products for consumers.

Our interest in Bill 143 is very straightforward: We want it to be effective. To this end we are here to discuss three points: resource recovery, market development, and targets and voluntary programs.

The first point I want to deal with is resource recovery. There are two fundamental ideas embodied in the proposed initiative. One attempts to convert Ontario to a conserver society and the other charts a partnership approach between people and organizations. We support those ideas but strongly recommend that Ontario take a much bolder approach. Our society needs to make a complete shift from its current waste mentality to a resource recovery perspective. In view of some of the disposal problems we face, the timing for such a shift could not be better.

We have developed resource recovery committees within Stelco and have found this new focus to be very beneficial. Shedding the negative connotation of waste has helped us to be more creative in achieving the 3Rs.

Here is an example of how a resource recovery focus has helped in creating another pathway for reusing materials in our operations. Stelco requires refractory brick in equipment to make steel and to heat steel products. From time to time refractory brick liners must be replaced, and traditionally used bricks were sent to landfill. Today when it is not used as a construction fill material it might be used as a fluxing agent in ironmaking operations. Here the used refractory is converted to a slag for which other uses exist. In addition, a new idea developed. Why not return the used brick to brick manufacturers as a raw material for making new bricks?

The idea of rent-a-brick has been created and our suppliers have been invited to join us to find ways to make brick recycling possible. More source separation will be needed within our operations and brickmakers will need specialized equipment for grinding and remanufacturing used brick into new brick shapes we need. It required us to convince the brick manufacturers to work with us to develop the idea of rent-a-brick, where in essence we pay a user fee and return any unused material as a resource instead of a waste for remanufacturing purposes. We are excited about the partnership approach and we see it as an effective



method of bringing other experts into the equation. The result is that we want to do more along similar lines.

Our experiences suggest that the existing rules that govern waste should be renamed to focus on effective management of resources. The residuals that ultimately exist would continue to be managed under existing waste rules provided they are overhauled and integrated into the new initiative. This leads us to recommend that a new resource recovery initiative be developed to encourage resource stewardship, provide greater opportunities for new process development, and more important, avoid the negative image and regulatory barriers associated with waste.

The recommendation we have today is to modify and rename the waste management strategy to create a resource recovery initiative.

Moving to the next point, we want to talk about market development. We agree with the government's objective of developing a stronger market system through which recyclable materials are turned into new consumer or industrial products. This is a necessary and ambitious plan. A viable and diversified industrial base is needed, one that is capable of using the materials that are derived from collection systems. Users are needed and intermediary processes are required to close the loop for recycling. Manufacturers must be profitable and produce goods that are in demand. In our opinion, a much higher priority must be given to creating demand for recyclable materials. As a start, it means finding more ways to produce the highest possible quality of secondary materials at attractive prices. Poor quality, high prices and lack of guaranteed supplies are barriers to recycling.

The business of developing markets is a slow process and one that requires a multistakeholder approach through which all the sectors involved in recycling can participate as required. The role of government ought to be to facilitate the development of a market system by bringing people together to solve demand and supply issues and to provide leadership by development objectives and targets. A fundamental task of government is to act as a catalyst by providing financial incentives and technical information and by raising the awareness level about the business and benefits of resource recovery. Much is already being done, but more is needed.

Barriers that impede market development must be eliminated. It has been our experience that more can be achieved in the area of market development if we view all materials as a resource rather than a waste. "Waste" labels tend to create psychological barriers in addition to regulatory complications. Waste-derived products generate an image of inferiority and suspicion that the products are not as good or as reliable and are potentially hazardous. If the products are also more expensive to buy, it is unlikely that the goods will be in demand.

As an example, let me talk about a case we have at Stelco. Spent pickle liquor, the acid used to clean steel, is deemed to be a waste. As a result, difficulties were encountered in using the spent pickle liquor from Stelco as an effective chemical in sewage treatment facilities for removing phosphate contamination. Here the "waste" label hindered the development of markets for a high-quality product.

In addition, the regulatory obligations introduced further difficulties in terms of marketing the product. Spent pickle liquor must be sent directly to a sewage plant and cannot be warehoused without first obtaining other types of government approval. In contrast, this is much more onerous than any restriction placed on new materials that are equally dangerous and move relatively freely in commerce. Free movement is a desirable arrangement so that useful products that society demands can be delivered. The reuse of waste oil within Stelco is a further example where the combination of labelling and regulations acts as a barrier to recycling.

#### 1640

We are forging partnerships with suppliers to get them involved in our agenda geared for reduction, reuse and recycling of materials we need to make steel. Past experience again dictates the value of market development. The market for blast furnace slag, a material that was once considered of little value, has developed to where it is a significant construction material. One of the three major constituents of Toronto's Scotia Plaza complex, for example, is blast furnace slag, which replaced stone in making concrete.

The recommendation we have for you is that to support the resource recovery philosophy, the Ministry of the Environment should make market development a top priority.

The final point we have this afternoon is about targets and voluntary programs. We believe that targets of 25% reduction by 1992 and 50% by the year 2000 that have been set for municipal waste form a useful vision for initiating a new waste reduction program. They provide a clear message and give direction. These waste reduction goals, coupled with a strong mechanism for self-auditing, would build on the willingness of people who have already demonstrated a commitment to recycling and to reducing the rates of waste generation. The progress might seem slow at a first glance, but it is happening and it is accelerating.

The strength of the program should not be founded on a complex system of regulation, but rather on fostering voluntary participation in activities that benefit both the environment and the participants. Monitoring can ensure that results are attained. This is a role for government to undertake without being intrusive or hindering progress. We are encouraged by the notion of self-auditing without filing complex documentation. We believe this is a wise approach, as opposed to a procedure where written reports would be demanded for perusal and approval. The measures would minimize non-productive and costly activities that affect both the generator and the government.

When Stelco reviewed waste management approaches, we decided we wanted a new model, a new way of thinking to achieve constant and never-ending improvements. The idea was to increase the awareness level and commitment throughout the organization to enhance the work already being done. The plan was to develop a greater sense of ownership and improve resource management efforts by developing long-term goals and creating a vision, developing an organizational structure and establishing visibility, and prioritizing the activities and providing focus.

This process has resulted in a formal structure for communication and reporting, which is essential for making things happen. On the premise that the impetus and policy direction comes from the "top of the house" and the implementation comes from the bottom, it is important that all parts of the organization get involved.

An organization was developed for a senior management committee to direct a resource recovery program, set objectives and review progress. Today, regular reporting ensures momentum is maintained. The interest level has shifted and now we are finding that people want to be part of the action and part of the solution. A work culture change has been useful for Stelco and might also be a model for managing the new initiatives that are being proposed. The point I want to leave with you is this: Our model is working without a lot of rules.

The recommendation we have this afternoon is as follows: The Minister of the Environment should develop a less intrusive model based on goal-setting, self-auditing and monitoring while minimizing mandatory controls and/or regulations.

To summarize, then, at Stelco we have adopted six key operating priorities and developed a Health, Safety and Environmental Vision Statement. These are non-negotiable tenets that we use as instruments to focus our organization and our people in their daily activities. They describe our agenda for the 1990s, which is aligned with the intent of Bill 143.

We have pointed out that our experience suggests that a positive view focusing on resource recovery instead of waste management has merit. This would be enhanced by aggressive market development. In order to bring about an attitudinal shift to a conserver society, we recommend a voluntary program in which government's role is to set targets, monitor and educate.

**Mr Martin:** I am really impressed with your presentation, the positive and constructive suggestions you have made here, in light of some work I will be doing in the not-too-distant future around waste management and recycling in the north. We are a resource-extraction industry up there. You make some good points. With regard to the voluntary nature of setting goals and standards, you have set some in your industry. Do you think they will really work? Do you think voluntary—

**The Chair:** Question, Mrs Fawcett. Do you want to place it on the record? We really are very short of time.

**Mrs Fawcett:** Okay. I am just wondering if this good presentation was more or less included in what you presented to Ruth Grier and how it was received, because I especially notice that you say, "A fundamental task of government is to act as a catalyst." I am just wondering whether that has—

**The Chair:** Question, Mrs Marland.

**Mr Schudt:** Some of the points have been included—

**The Chair:** I suggest that you let them ask their questions. Then there will be about two minutes. You can respond to as much as you can now and submit the rest in writing.

**Mrs Marland:** Would you be willing to meet with ministry officials to give them some advice from your perspective in developing these markets that have to be there for the end solution to the whole program?

**Mr Lessard:** Is there anything more you can suggest to remove barriers to market development that you can provide for us that we might include in regulations?

**Mrs Mathysen:** I noted you said that one industry's waste was another industry's resource. You participated in the Ontario waste exchange, which basically matches up people who need the waste with those who have the waste—

**Mr Sola:** What do you find more stimulating, incentives or penalties?

**The Chair:** You have two minutes to sum up. If you want to submit further information in writing to the committee, we would appreciate that as well.

**Mr Schudt:** Let me address the first one, if we are prepared to meet with the ministry to provide further suggestions. Yes, we would indeed. We are ready to do so at any time. We have already submitted to the minister, the Honourable Ruth Grier, some of the documentation we have in mind. So we would do that.

To talk about setting goals, yes indeed, we feel that setting goals is a very important aspect of waste management. That is something people need in order to target their effort and also to provide focus to their activity. The goals should be set in such a manner that they can be achieved, yet also provide some stretch so that you can then go beyond them. Our suggestion is that the goals should not be set in a regulatory framework, but rather as a voluntary target. Then if they are not being achieved adequately, perhaps the regulation could take over.

**The Chair:** Thank you very much for your presentation today. I know all members of the committee probably would like to spend a lot more time and get into a lot of discussion. They will have an opportunity, because we are going to recess for just a few minutes, to discuss it with you if they wish. If there is additional information you would like to table with the committee, you may do so in writing.

I have been informed that our next presentation will begin at about 5:05. The committee stands in recess until that time. I remind all of you that our next presentation, from the Recycling Council of Ontario, is for one hour.

The committee recessed at 1650.

1703

#### RECYCLING COUNCIL OF ONTARIO

**The Chair:** Our 5 o'clock presenter, the Recycling Council of Ontario, has just arrived, right on time. You have one hour for your presentation. We ask you, if you would, to leave time for questions from committee members.

**Mr Hanson:** My name is John Hanson and I am the executive director of the Recycling Council of Ontario. Thank you very much for inviting the Recycling Council of Ontario to comment on Bill 143 this afternoon.

I would like to take a few minutes to provide you with a fairly complete picture of the mandate and activities of



the council. I think it will provide the framework for our perspective on the proposed legislation, that of a multi-stakeholder organization firmly dedicated to waste reduction in this province.

The RCO is a non-profit environmental organization. Its mission statement is to strive for the elimination of waste through the 3Rs: reduction, reuse and recycling. Our membership consists of individuals, businesses, industry associations, grass-roots organizations, recycling program operators and others who share our belief that society must make wiser uses of its resources through reduction, reuse and recycling.

The RCO has been in existence since 1978. Many of our members participated in the earliest efforts to establish recycling in this province, collecting materials in neighbourhood depots and in small neighbourhood-based collection programs. In 1989 we were honoured with a United Nations environmental award for our role in helping establish municipal curbside recycling in Ontario.

Our organization has witnessed the development of 3Rs activities in the province with pride. We have seen small private businesses become recycling program operators for large municipalities. We have seen the expansion of municipal waste disposal services to include blue box collections, the diversion of household hazardous waste, and recently the distribution of backyard composters.

We have seen the growth of the provincial government's very strong philosophical commitment to waste reduction, demonstrated through its financial support to the many 3Rs projects currently being undertaken around the province, and we have seen extraordinary achievements by businesses determined to implement waste reduction strategies, realizing that sound environmental practices also make good business sense. We have seen fundamental change at the household level as home owners recycle, compost and alter their shopping habits to include more bulk purchasing, fewer packaged goods and fewer toxic products.

As we work with representatives of all these groups, we are increasingly aware of the commitment and interest that exists in all sectors to reduce waste and establish a sustainable conserver society.

Just to give a sense of the growth of this interest, four years ago our annual conference was attended by approximately 300 delegates. Last year in Toronto approximately 700 people attended from across Canada, the United States and Europe to share information about topics such as recycling technologies, how to develop markets effectively, new legislation, environmental advertising and large-scale composting.

In April our annual waste minimization awards will take place. At this ceremony we recognize outstanding individuals, companies, municipalities and others who are working to implement 3Rs solutions in communities and workplaces throughout the province.

Each autumn we are impressed by the creativity and enthusiasm of communities, businesses, schools and others who participate in an RCO-sponsored Waste Reduction Week, and throughout the year the RCO provides 3Rs information by means of a province-wide toll-free hotline. Each year we receive thousands of calls and letters from

householders, students and businesses on all aspects of the 3Rs. We receive many letters from other jurisdictions around the world asking for information about Ontario's blue box program, and we are very proud to share information about what is being accomplished here.

To ensure this information is current and accurate, we maintain extensive computer databases on market development, municipal recycling programs, relevant contact information and other useful data. To give you a sense of how this information has grown, two years ago our list of recycled product markets in the province was about 10 pages long; today it is about 150 pages long.

The RCO also maintains open to the public a reference library in which we maintain up-to-date publications and reports on all aspects of waste reduction. The volume of new information we receive constantly reminds us that we are dealing with an information explosion. Information that appears to be state of the art can be obsolete six months later, so we feel it is important that anyone providing information to the public with respect to 3Rs issues have concern for its accuracy.

It is this concern for accuracy that has made our publication, Ontario Recycling Update, so respected in the field throughout North America. We have now undertaken the publication of two more quarterlies, the Composter's Journal and the Renews Bulletin.

The recycling council is also active in the promotion of backyard composting through our home composting education programs. These programs employ trained volunteers who spread the word about composting in their communities. These programs synthesize local action and conserver society principles to achieve organic waste reduction.

We are also involved in ongoing public education campaigns on pertinent issues including the distribution of unsolicited direct mail, the equitable allocation of municipal recycling costs, the balance between public and private sector interests in the field, the relative environmental impacts of products and environmental labelling issues. Position papers on these issues reflect a consensus process on a number of well-balanced, multistakeholder committees in the RCO.

This year our activities are being further broadened to provide assistance to Ontario businesses and institutions in conducting waste audits and 3Rs action plans. Already a number of seminars have been planned for this spring and fall.

Thank you for bearing with that rather lengthy introduction to the organization. I simply wanted to reinforce how broad our organization is and how balanced we think the positions are that we try to put forth in a public manner.

To preface our specific comments on Bill 143, I would like to point out that while our broad, multistakeholder constituency enables us to define and foster dialogue around issues, it does not always allow for a consensus. So in my comments today, I will focus more on aspects related to the 3Rs than disposal options, although in some cases we realize there can be no separating them.

In general, the council feels that aspects of Bill 143 favourably impact on the future direction of 3Rs initiatives in the greater Metropolitan Toronto area and the rest of the

province by providing both enabling and specific legislation targeted at reduction, reuse and recycling measures.

1710

Over the past year or two, it has become evident that while Ontario has moved far more quickly than virtually any other jurisdiction in North America in establishing source separation programs—not just curbside blue boxes but also in the commercial, industrial and institutional sectors—the front-end support systems for this activity, mainly market development and equitable cost sharing, have been left wanting.

By now we are all familiar with the complaints of municipal governments as to the high per-tonne costs of providing blue box service, the television images of stockpiles of newspaper, glass or plastics languishing in public works yards and of course the editorials implying that somehow the Ontario public has been hoodwinked into investing in a system that diverts a mere 4% or so of all municipal solid waste.

Well, there is no question that since the implementation of recycling programs, various markets have had their problems. I would call them growing pains and I would be the first to admit that they have hurt: the interim export of newspaper when Metro blue boxes came on stream, and again when the Quebec and Ontario Paper Company went on strike; the landfilling of contaminated glass when Consumers Packaging tightened its market specifications; most recently the stockpiling and hand-sorting of plastics in the wake of the Superwood plastics receivership.

But this does not constitute failure. Rather, it constitutes a normal market development scenario in a field that is still very much in its infancy. The many planned de-inking mills are not all up and running but they are being built. More sophisticated processing technologies for glass and plastics sorting are steadily being developed and implemented, while many new recycled content products are being introduced into the marketplace.

We in the field who are cognizant of the many advances being made have serious concerns with the one-sided and misleading representations about the viability of recycling. For example, no less an authority than pollster Martin Goldfarb wrote in the *Toronto Star* on Monday of this week that, and I quote, "Most of what is collected is not recycled." How totally irresponsible. On average, 95% of what is collected through curbside programs is recycled, here in Ontario, and the existing markets have committed to continue to recycle this material in future.

When it comes to the minimal 4% blue box diversion rates so often referred to, it is worth bearing in mind that the figure is relative to the entire waste stream, 60% of which is commercial-industrial garbage, paid for by the private sector.

Why on earth minimize the significant accomplishments of residential programs when they clearly were never intended to serve the industrial, commercial and institutional sectors? It is like saying that municipal garbage collection programs are failures because they too ignore the private sector.

If one does a quick survey of what curbside programs in Ontario really are achieving relative to the residential waste streams they are intended to address, the results are

very encouraging indeed. Consider these 1991 diversion rates: region of Halton, 25%; city of Mississauga, 18%; city of Barrie, 18%; town of Richmond Hill, 16.8%; town of Lindsay, 17%; Pittsburgh township, 24%; town of Markham, 30%; Bluewater group of municipalities, 30%. This is very encouraging and it certainly stands in stark contradiction to the negative perspectives put forward in the media over the last six months.

The challenge lies in establishing new markets for the many other recyclable components that must be separated from the garbage stream. Paperboard and boxboard products, rigid and film plastics, wood, construction and demolition wastes, foil products, various high-grade papers, magazines and compostable organics are materials that are already being collected in a number of forward-looking municipalities, and by and large there are viable markets for them.

It is not the development of technology that poses a problem. Witness the Canadian breakthrough in the plastics industry and the introduction of a 75% post-consumer recycled content bottle, or the results of the Quinte pilot program and the new detergent board made from virtually 100% old boxboard.

While we can fully expect there will be growing pains in these industries, in time these markets will stabilize. The challenge is to promote consumer and business acceptance of recycled content products like grey or black plastic bottles instead of brightly coloured ones, or paperboard packages that have minor imperfections. To stimulate the adoption of these new technologies the concept of providing business with a level playing field is critical. The biggest single obstacle to overcome is the reticence of companies to invest in such a new infrastructure if their competitors do not.

The Recycling Council of Ontario is firm in its conviction that in spite of the demand-side obstacles to expanded curbside and commercial recycling programs, we must continue to move forward and build on the momentum established by curbside programs.

The conservation of resources and avoidance of waste requiring disposal that result from maximizing 3Rs diversion must continue to be priorities for all sectors. The government needs the authority to stimulate adequate market demand to ensure this happens.

Before I make more specific comments on part IV, dealing with 3Rs measures, we do have a few brief comments on parts I to III of Bill 143. With regard to part I, the continuation of the Interim Waste Authority and its mandate to locate long-term sites in the GTA, we have some questions about the role of this body once sites are found, and about the equity issue of the province funding only the GTA's site selection process when so many other jurisdictions faced with similar capacity problems must assume the costs themselves.

The RCO would like to recommend that the IWA's mandate be further clarified, especially with regard to responsibility for site operation and how the IWA will be funded. It is also suggested that a sunset clause be attached to the IWA based on a specified time limit or the finalization of the site search. We would also like to question the appro-



priateness of the IWA, as an arm of government, acting as a proponent in the environmental assessment process.

Regarding part II and the requirements for assessing long-term sites in the GTA, the RCO is supportive of the concept of scoping site capacities on the basis of waste diversion estimates. However, there needs to be further explanation of the methodologies proposed to calculate the diversion. It is important that the public, particularly municipalities, have the opportunity to review and have input into this process.

With regard to the assessment of disposal options, the RCO believes that a public review process involving scientific evaluation of all competing options should take place before these options are for ever limited under the Environmental Assessment Act.

However, to clarify what has been and will continue to be a very difficult issue for our organization, the RCO has historically objected to incineration technologies. Quite apart from the environmental impacts associated with emissions and ash disposal, we view incineration as a resource destruction technology that competes directly for materials that will increasingly be recycled in the future. But we are unwilling at this time to conclude that it is a less desirable option than landfilling, which has its own very measurable negative impacts and also competes for recyclable materials, depending on how cheaply it is priced.

That said, I would like to reiterate our conviction that reduction, reuse and recycling must form the basis of any integrated GTA waste management strategy and that we definitely perceive all disposal options as competing, especially in light of current collection, processing and recycled product advancements being made in many materials sectors.

Under part III, while we recognize the need to act quickly to circumvent a short-term situation in which the GTA disposal capacity is inadequate, we believe public hearings should be held on GTA landfill site extensions wherever possible.

1720

I would like to preface our comments on part IV with a recommendation that part IV be separated from the rest of the bill and used as the basis for a Waste Reduction Act unto itself.

Part IV is a highly diverse collection of amendments to the provincial Environmental Protection Act. This section deals with such disparate issues as the protection of the environment beyond Ontario's borders, the powers of the minister to fund various types of projects and establish waste management systems and the power of cabinet to designate certain products as waste management problems. To be honest, we were quite overwhelmed by the scope and detail of the proposed legislation.

On working our way through part IV, we found the meaning of provisions unclear. This lack of clarity has been raised by other deputants, who in some cases have speculated as to the government's intention in enacting these sections, particularly where the sections affect their rights or interests. As a general observation, we think it would be helpful if the summary that precedes the bill incorporates statements of intent or some background information that would enable the reader to place these sec-

tions in a policy context and thus clarify their meaning—certainly those sections relating to the powers of the cabinet to categorize certain products as disposable or as constituting waste management problems.

Here are some of our specific comments related to section IV as it is written. Further comments will be provided in writing.

First, under section 22, related to protecting the environment beyond Ontario's borders, if the intent is to limit the flow of garbage to other jurisdictions, the issue of defining what is a resource and what is garbage becomes most important. For example, there are markets for certain used plastics in the United States that do not exist in Ontario, but if the material is considered valueless here and is therefore characterized as garbage or waste, could that preclude the successful marketing of it elsewhere?

Under clause 23(1)(g) we are most supportive of the mechanisms for stimulating economic development in 3Rs sectors through grants and loans; however, given current fiscal conditions, we would suggest that other economic measures, such as tax rebates, augment the grants and loans defined in this section.

In clause 23(1)(h) of this same section, which empowers the minister to establish and operate waste management systems and disposal sites, we believe the government's role needs to be clarified vis-à-vis the Interim Waste Authority. Does this mean the future GTA sites may be operated by the province?

Under section 27, which repeals section 74 of the Environmental Protection Act, we are generally supportive of measures that by broadening the act from litter and packaging to include disposable products and those which pose waste management problems, will enable the government to designate as recyclable or regulate those components of the waste stream for which 3Rs measures are not being applied. However, we strongly recommend that the criteria for determining what constitutes products that are disposable or are to be considered waste management problems be more clearly defined.

As many of you are likely aware, evaluating product or material impacts in terms of their energy and resource requirements and the pollution they generate at all stages of their life cycle, from primary extraction through to their ultimate disposal, is a complex undertaking. This developing scientific discipline is commonly known as life-cycle analysis or environmental profiling. While many of these life-cycle analyses are controversial, especially when used in product marketing, we now know that disposal of a product or material is only one of many impacts and not always the most significant.

Therefore, we would be concerned that actions under this section could result in the removal of certain products from the marketplace even if the overall net impact of the product were less than a competing product or package that because it was being dealt with or disposed of or recycled in an environmentally sound manner, would remain on the market. That is not to say we do not also think all packaging should ultimately be either reusable or recyclable.

The same concerns apply to studies to determine environmental appropriateness as defined in section 28. Will

these studies in fact take into account full life-cycle considerations of packaging and products? If so, this should be clearly specified.

The Recycling Council of Ontario is generally supportive of section 30, which again broadens the range of products and packaging that can be regulated to conform to 3Rs measures. For example, we would see this section enabling the government to move beyond the very limited soft drink regulations by requiring greater refillability. However, as previously mentioned, we believe the criteria for defining products that pose a waste management problem should be clearly set out and that other life-cycle considerations should not be ignored in making this determination.

We believe these criteria take on added significance if effective enforcement mechanisms are to be established. Given the difficulty in enforcing the soft drink regulations, one cannot ignore the fact that without clearly defined criteria, enforcement of a broader constituency of products could be even more problematic.

With regard to section 33, mandating waste audits and action plans, the RCO is also generally supportive and will be submitting comments.

That concludes my remarks to the committee. Again, I would like to thank you for inviting us here today and I would welcome any questions you have.

**Mr McClelland:** Mr Hanson, one of the difficulties with the blue box program has been, if you will, the failure of a lot of companies to willingly participate. At the same time, there is no current agreement or protocol that has been established with companies that are participating. I am sure you are aware of that, and there have been many suggestions that the blue box program is in jeopardy until OMMRI can get itself in a position where it has some assurance of the so-called level playing field legislation that it has been waiting for, or at least directives.

In terms of the Recycling Council of Ontario, how do you see the relative importance of establishing the participation of companies through OMMRI in a continuation of that? Do you see ways this can be enhanced or changed? Has it served its time? Should it be continued? What do we need to do to continue it, if you believe it should be continued, to make it work? How do you see that being kept alive, hopefully, and then advanced?

**Mr Hanson:** I certainly hope it will be kept alive, because I think it is a very unique mechanism in the world where you have a variety of competing industries within sectors and a number of different sectors participating together to address stewardship issues related to their products.

Clearly they are having difficulties in getting other members onside because of the fact that the government's intentions are not clear and they have been unable to reach a memorandum of understanding with the government. I have not been privy to the discussions, so I cannot really comment on that memorandum, but we certainly are supportive of voluntary industry efforts. It is desirable from our perspective not to have to regulate and enforce. We think the creation of markets for materials will be done far more effectively if industry is a willing player rather than being regulated into it.

**Mr McClelland:** Do you feel then that the regulatory scheme if there is one—the writing is on the wall and it is inevitable it will be forthcoming—should take into consideration the fact that many industries have voluntarily complied? As you know, it is 0.03% of sales that those participants contribute to OMMRI. Many willing participants would see that they were being punished for their voluntary participation. In short should the regulatory scheme, if there is one to come, recognize and credit those who have willingly participated financially in the establishment and launching of many of the recycling initiatives in this province?

**Mr Hanson:** Certainly those companies that have voluntarily contributed financially should be credited. I think there is a general willingness among some very forward-looking companies to continue to contribute, but this is not going to happen if there is not a level playing field and their competitors do not get into the ball game. Therefore, back-drop regulations are required to penalize those companies that are not participating. I would hope that simply the threat of regulation would be sufficient to get all companies involved.

1730

**Mrs Marland:** You made some reference to the demise of Superwood Ontario in Mississauga. Their explanation was that the end product just was too expensive. I wonder what you see as a solution to that kind of dilemma, that kind of problem that faces a company that took a recycled material and made a very good end product.

**Mr Hanson:** I do not want to comment on the end product that was produced because Superwood is in receivership, but it is not clear what the future holds for it.

**Mrs Marland:** Forget the name.

**Mr Hanson:** There are other, similar technologies that are succeeding in other jurisdictions in Canada, right across the country. Our feeling is that in any recycling endeavour, we should try to produce the highest quality products possible. The Superwood technology mixes various resin types together into a relatively low-value plastic material. Where I hope we are heading in the long term, with the various sorting technologies that are being developed and the shift in the manufacturing sector to use higher-value plastics, are systems where more of the plastic containers in the waste stream are separated out into high-value uses where the high-density polyethylene is kept in one stream, the polypropylene in another and the polystyrene in another. That, I think, is going to be more viable in the future.

**Mrs Marland:** Do you think we could double, triple or quadruple our recycling of aluminum and steel cans if we had the deposit system? I am talking about soft drink containers. If we had a deposit system similar to many in the United States—even Quebec has it; I am not sure. Does Quebec still have it?

**Mr Hanson:** Yes.

**Mrs Marland:** Do you think that would be a worthwhile initiative as a requirement of the government in Ontario?



**Mr Hanson:** There is no question that deposit legislation results in very high return rates, depending on the price sensitivity of the deposits. In California, where it is one or two cents, it has not been nearly as effective as in other jurisdictions where it is 10 cents or more per container.

Our concern is that, yes, while the recycling rate for steel cans and aluminum cans and so on would surpass what the blue box is collecting at this point in time, we would like to see a system that collects a very broad range of materials, and we think it is inappropriate for retail stores, which pay very high—in fact the highest—square-footage fees of any business, to serve as depots for these materials.

If a deposit system were to be widely considered, it would be appropriate to also consider the establishment of a separate depot network, much the same as what Alberta has to deal with. Retail stores are very expensive locations to handle used materials. Certainly in terms of comparing the costs of running return-to-vendor programs, they are far in excess of what it costs to run blue box programs. If blue box programs are typically \$130 to \$180 per tonne, in retail locations the handling costs are closer to \$700 or \$800 per tonne. You still have all the fixed costs associated with collecting the other material in the blue box at curbside. You are still spending that \$130 to \$180 a tonne, and this retail network would be an additional parallel cost, so I think a financial analysis has to accompany it.

The short answer to your question is, yes, you can attain a higher recycling rate at this point in time by using deposits.

**Mrs Marland:** The concern I hear you expressing about this bill we are discussing today is that as soon as you make something mandatory, especially in terms of industry and commerce, it becomes a disincentive rather than with a voluntary program. We have a lot of evidence that the voluntary programs are really growing in this province. They grow probably at a greater rate because of their voluntary nature and because the incentive is there when that industry that is involved with its own design for recycling, reusing and so forth sees the cost-benefits directly, without doing it as a directive from a dictative government.

**Mr Hanson:** I think that is true. Certainly with regard to mandated audits, action plans and so on, there is concern in industry circles about the costs of it. I know the Ontario Ministry of the Environment is working to minimize those costs if and when those regulations take effect, but the voluntary efforts to date, the things we have seen at companies like Quaker Oats, Neilson and so on, have resulted in significant cost savings to those companies. However, they are forward-looking companies and I think there are other companies that perhaps need to be mandated into doing it. They will still derive the benefits.

**Mrs Marland:** We heard this morning from representatives of nursing homes and homes for the aged; health care providers. They were talking about how impractical it is for a nursing home, for example, to have all recyclable containers in the form of individual food-serving portions and that kind of thing, how impractical it is to give them the same directive. In their case, it is as much a health issue to protect their patients and residents by not having a

communal serving dish for any of the food commodities served to their residents and patients.

Do you think some of those problems could be alleviated if government were willing to put some money—dare I say this?—into research and development of alternatives for that kind of application, such as a health care centre where the spread of infection or the risk of infection has to be the primary responsibility of that care giver, over being able to use either non-recyclable or recyclable items that are also collectible?

They were talking, for example, about disposable diapers. Disposable diapers in a home setting for one baby is an entirely different challenge and obviously a very easy conversion for that family, compared to an institutional setting where you are using very large disposable diapers on hundreds of adults in the same setting.

**Mr Hanson:** I suppose so. But in those institutions where they have switched, they are generally quite satisfied with the performance and the systems. The Queen Elizabeth Hospital here is one example of an institution that switched over from disposables, both diapers and incontinence pads. They are quite happy with the performance and certainly the costs are competitive, but there is a very significant reduction in waste.

Obviously health care facilities require special attention if you are talking about potential vectors for the transmission of diseases. Obviously that takes priority over waste management concerns.

1740

**Mrs Marland:** But how far back would we go? Would we go back to sterilizing syringes and needles? How far back do we go between being a conserver society and protecting the health of individuals?

**Mr Hanson:** I think what you are asking is the basis of a fairly complete study of the health care industry. We expect to have a study with some recommendations on how the health care industry can make significant reductions in its waste, but I am not in a position to comment on the results of the study yet. It will be released within a month. I would be very happy to provide it.

One of the things we have been particularly gratified to see in the last couple of years is the very specific focus on products in the waste stream. A few years ago we were talking in broad generalities about categories of products. Today the focus is on the types of inks used to print, the kind of computer ribbons that go into your printer.

There are very few products that are avoiding scrutiny, whether they are hypodermic needles or the types of plates used in a health care institution. I think it is up to the people in charge of administering these institutions and facilities to look at every single component they can and to make whatever judgement they have to. I am not an expert on hypodermic needles and how much waste they cause.

**Mrs Marland:** But you are an expert on recycling and the thing is that the government is coming down with this. The ideology of conserving the environment is something everybody supports, but in speaking for the Recycling Council of Ontario, I think you would possibly have a more practical approach to what really is realistic when we

are talking about what should be used that can be recycled, rather than a government that is saying, "No matter what, this is what we want, even if it isn't in the best interests of the health of patients or residents," for example.

In some cases it is obviously more expensive to use disposable syringes and needles than to sterilize them, but the types of sterilization equipment have improved over the years. They are varied, so somebody is going to bring in that kind of argument. The point is that the risks sometimes outweigh the conservation psyche and I think that is something that has to be addressed.

**Mr Hanson:** There are numerous examples of that, even the bulk food issue where you can avoid a considerable amount of packaging, but there are concerns about exposure from a lot of people going into bulk food bins. The solution is you make more sophisticated bins where you do not have the human contact with the contents.

What you are touching on is part of what is missing out of life-cycle analysis: the comparison of different products, materials and systems, where you take into account the environmental issues, the energy issues, the raw material, the waste issues and the social considerations, the convenience, the safety, all those sorts of things. That is a very complex analysis and that is why we think it should form the basis of a lot of the criteria and the definitions that are being used to determine what kinds of products are and are not acceptable.

**Mr Martin:** I just want to say at the outset that it is really refreshing to hear you speak of recycling and some of the success stories that are there. I come from northern Ontario and certainly we have a very specific concern around the whole business of recycling, because it impacts very directly on what we do for a living up there, which is resource extraction. It is having, and will have, some significant effects. In the not-too-distant future, I am going to be leading a group that is going to be looking at that whole recycling-waste management challenge that we have in front of us in the north.

There is certainly a concern about some of the legislated levels of recycled material that will be in product. A lot of the states have done it and we are looking at it in Canada more and more. It will take away from the demand for raw product that we produce and we are afraid that it will also diminish our ability to add value to some of the product we produce up there. We want to do all in our power to be able to add value to our forest industry and our metals industry.

In your experience, is it more cost-effective to add the recycled material closer to the market or closer to the source? What would have to happen to make it more cost-effective? What kinds of realities would have to be brought into the mix to make it more viable to perhaps do it closer to the source of the product rather than in the southern Ontario area?

**Mr Hanson:** What would it take to make large-scale recycling facilities viable in the north as opposed to in the urban areas in the south.

**Mr Martin:** Yes. There is some talk that: "You might as well save your energy, because they're not going to do it

anyway. It's more cost-effective to do it down here than it is up there, so forget it." Is there in your experience any reason for following that maybe a little bit further to see what could be done?

**Mr Hanson:** I think you outline the problem quite well. Clearly there is already dislocation in the paper industry, especially in the newspaper industry, and I think it will continue into other grades of paper.

I do not honestly have any suggestion how you increase the cost-efficiency for the north, aside from utilizing backhaul for those materials going from northern communities to the south. We see primary resource industries facing some long-term dislocations as secondary resource industries become more and more competitive with economies of scale. I really do think this is going to happen, whether it is plastics displacing petroleum or a greater utilization of metals displacing mining. Paper certainly is the most immediate. I am sorry I do not have suggestions.

**Mr Martin:** Maybe to be a little bit more specific, there is certainly the suggestion in front of this committee that rail-hauling waste material to the north would produce significant job opportunities and industrial development. I am struggling with the cost of doing that versus the resultant benefit, and if, looking at the economics of it, it would be feasible to do in the long haul.

**Mr Hanson:** Our preliminary examination of the proposals to rail-haul to the north lead us to reject the concept. The transportation costs in both directions are very significant. To ship materials 600 kilometres for processing and ship them 600 kilometres back to market them is very hard to support, not just from an economic position but with all the other impacts, the energy impacts and so on. When you look at that proposal, which would require the air-conditioning of railway cars in the summer to prevent the material rotting, and heating of the railway cars in the winter to stop the material freezing into each car, it just does not make sense.

Certainly we are not supportive of the use of the Adams mine for the residue garbage. We do not believe it can adequately contain the leachate that would flow into the groundwater, so frankly we do not see how you would make that kind of an operation economically viable.

1750

**Mr Wiseman:** I was interested to hear your comments—the last few at any rate—because it sounds like the garbage is going to live better than people if they have to ship it in air-conditioned and heated compartments to the north.

I have two questions. The first one has to do with the feasibility of separating material and storing it so that it can later be used in processes as needed. I read somewhere that they are doing this in Germany. They are putting paper, glass, bottles and tins in above-ground storage containers. Have you done any work in looking at the economic feasibility of above-ground storage for products that could then be used later on?

**Mr Hanson:** We have not really done an analysis of it. We have tried to look at what sort of products could be suggested, and I suppose plastics comes to mind. Boxboard and paperboard cereal boxes and so on also come to mind.



Whether it is done above ground or below ground, I am not sure matters, providing you can allow for clean, below-ground storage, which you can.

The concept of heterogeneous landfills we think is an inappropriate one. What we should be moving to in modifying landfilling technology is monofills, which consist of various cells in a landfill, where, if materials become more economically viable in the future, they can be recovered fairly easily.

Above-ground storage requiring buildings and so on to keep materials dry does not necessarily make sense. Certainly with paper products you have a fairly short-term deterioration of them. Newspapers, for example, you generally cannot store for more than four to six months at a time.

We have not taken a position on materials storage, but it is certainly problematic. What would really be more desirable from our perspective, if we are talking about plastics for example, is that instead of storing a very mixed stream of plastics, the plastics industry would move towards a much more homogeneous use of plastics, manufacturers would use a far more homogenous mix of plastics, so that if they were to be stored, they would have a higher value. It is a matter of putting value in at the front end that could possibly justify the economics of storage. But we have not done an in-depth analysis.

**Mr Wiseman:** What kind of market-share shift has to take place for the private sector to respond on its own? How much of a market share do they have to lose in order for them to decide that the private packaging they currently have on the market has to be changed for them to regain their share of the market? Have you done any work on that at all?

**Mr Hanson:** No, we have not. But I know that in this fiscal period, companies are very sensitive to losing any market share at all. In fact it is one of the reasons that we believe many corporations are reticent to make investment in new recycling technologies.

I alluded to the new 75%-content recycled plastic container. A company in Brantford, Ontario, Resource Plastics, is producing the resin for Plax in Burlington. This is a Canadian development and a very significant one. But that particular package is not widely available in the marketplace because it is grey or can be made in black, and of course most of us desire packages and products that have nice, bright colours and denote a particular market brand. There are very few companies that are going to be willing to jeopardize or risk any market share at all to move their products into a new container like that, even though there is no question it is far and away the environmentally superior container, and that is what all plastic containers should be made of.

I do not know. I guess, to answer your question, it is probably relative to how much of the market they have.

**The Chair:** I have a request from the parliamentary assistant. Mr O'Connor, you have the floor.

**Mr O'Connor:** I know we were talking a little bit earlier on—Mr McClelland raised it—about the blue box program and some of the problems around the funding and what not. I know a multistakeholder group has been struck to deal with it and maybe, David, you can respond and

explain a little bit of what the process is going to be and who is involved in it.

**Mr McRobert:** I believe that Mr Hanson has been involved with the multistakeholder group. The group is called the Waste Reduction Advisory Committee and this is an advisory body that advises the minister. They were asked to review options regarding who pays for recycling and waste management. Was it early in 1990 or was it early in 1991?

**Mr Hanson:** It would have been in 1991, I believe.

**Mr McRobert:** Right.

**Mr Hanson:** I do not remember the date.

**Mr McRobert:** In any case, my understanding is the recommendations based on their work have been forwarded to the minister and that work will be put into the policy development process undertaken by the waste reduction office on the question of who pays for recycling and for 3Rs in Ontario. We are not at liberty to disclose the details of that work, but I think it shows a great deal of promise, and perhaps Mr Hanson can comment on it.

**Mr Hanson:** What has been proposed to the minister I am not at liberty to release, but I could comment on the interim report, which advocated a shared model with industry contributing far more significant finances to the operating costs of municipal programs, as opposed to just the front-end capital costs, which has been the pattern to date.

The Recycling Council of Ontario did a paper of its own called *Who Should Pay for Recycling?* in which we advocated that industry assume the lion's share of the costs of operating municipal programs. Clearly we are supportive of any systems that are going to reduce the municipal burden to run these programs. As long as municipalities are required to pick up 100% of the operating costs of programs, we are going to have dissatisfaction. Anyway, we are in support of the shared-model concept that has been submitted to the minister, which calls for industry to assume a significant proportion of operating costs.

**The Chair:** Is there anything you would like to say in summation before the committee?

**Mr Hanson:** Nothing further, thank you. We have a few policy papers I will append to the written comments that we submit next week.

**The Chair:** Thank you very much for appearing today. You were pleased that we were able to schedule you in at this time. I know you were not well and we are glad to see that you have recovered and were able to make an excellent presentation before the committee and answer many of the questions committee members had. If there is any additional information you think might be helpful to us, we encourage you to communicate with us in writing in the future.

The standing committee on social development stands adjourned until 10 am tomorrow morning. We do have a change in the schedule, I want to alert all members. We have had a cancellation for 10 o'clock, but the clerk has scheduled in a deputation from Jolly Bottoms.

The committee adjourned at 1800.

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### Standing committee on social development

Waste Management Act, 1991

## Assemblée législative de l'Ontario

Première intersession, 35<sup>e</sup> législature

## Journal des débats (Hansard)

Le jeudi 13 février 1992

### Comité permanent des affaires sociales

Loi de 1991 sur la gestion  
des déchets



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# LEGISLATIVE ASSEMBLY OF ONTARIO

## STANDING COMMITTEE ON SOCIAL DEVELOPMENT

Thursday 13 February 1992

The committee met at 1004 in room 151.

### WASTE MANAGEMENT ACT, 1991

#### LOI DE 1991 SUR LA GESTION DES DÉCHETS

Resuming consideration of Bill 143, An Act respecting the Management of Waste in the Greater Toronto Area and to amend the Environmental Protection Act / *Projet de loi 143, Loi concernant la gestion des déchets dans la région du grand Toronto et modifiant la Loi sur la protection de l'environnement.*

#### JOLLY BOTTOMS INC

**The Chair:** Our first delegation is Jolly Bottoms Inc. You have 20 minutes for your presentation. We appreciate your appearing this morning. This is Bill 143, the Waste Management Act, 1991. We ask if you would leave a few minutes at the end of your presentation for questions from members of the committee. Would you please begin your presentation now.

**Mr Jollymore:** I appreciate this opportunity to address this committee in respect to Bill 143. Jolly Bottoms Inc supplies reusable adult incontinence products to hospitals, nursing homes, extended care facilities and institutions for the aged and the physically and mentally impaired. In support of the facts we have submitted with this brief there are copies of pertinent articles and research. The sources are accurate.

Bill 143 falls short in part IV when the bill addresses the issue of research and reduction. It fails to prioritize, in the order of importance, these issues. Bill 143 suggests that prohibition should be expanded to cover the sale of packaging and containers contrary to the act, and regulations would be expanded to cover the sale of disposable products and products that pose waste management problems, but it fails to adequately identify products which obviously fall under this description. I would ask if disposable diapers fall within this description.

Bill 143 identifies experimental projects aimed at possible results down the road but fails to encourage proportionately the immediate reduction of waste possible through proven, reusable products available to the market today.

Cloth reusable products are an alternative which is available now. Reusing cloth diapers produces waste reductions immediately. Reusable products are an immediate, economical, viable solution to an environmentally hazardous concept. There is no acceptable reason to continue polluting this country by disposing of a product which has proven to have a negative impact on the environment when there is an alternative.

Washing reusable diapers is a safe, environmentally aware, economical process. It also offers an alternative to

the institutions which enables them to achieve environmental goals as set down by their administrative boards.

The diapers themselves, through the laundering process, are given proper pH levels and are tested for chemical residue. The products are tested routinely for various bacteria both by the laundry service and the institution.

Effluent produced in the laundry process is controlled within guidelines as set down by the pollution control department of the municipality or the Ministry of the Environment. The pH levels must be maintained in the effluent within set guidelines, and laundry facilities should address and provide treatment for such problems as biological oxygen demand in the effluent. A properly operated laundry service produces a product of exceptional quality without causing stress or negative impact on the environment.

Human faeces must be treated in a treatment facility. Human faeces can carry over 100 intestinal viruses. These viruses may live 14 days while rainwater washes them from the dump through the water table and into the drinking water.

I am sceptical of an environmental policy which allows the production of an environmentally unsafe product and then implements another questionable process to dispose of the unsafe product. When practical and economical alternatives are available to replace environmentally unsafe products there can be no question as to what the correct policy should be.

Disposing of disposable diapers is not quite as simple as the manufacturers had led the consumer to believe. When soaked with faeces and urine, the diapers become fire resistant, and toxic gases and PVCs, polyvinyl chlorides, are released into the atmosphere as the plastic smoulders.

Both biodegradable and disposable diapers are made of a cellulose fibre or paperlike material and a plastic cover. In biodegradable diapers the plastic is mixed with starch. However, the breakdown does nothing to help our landfill situation because the product, after breakdown, still takes up the same space in the landfill, so we do not get to put more waste into the landfill even if we wanted to.

It is clearly better not produce waste in the first place, or to reuse it or to recycle it into new products, than it is to continue dumping it into landfill sites. Further, biodegradable waste, especially biodegradable plastic, may pose an even greater threat than just removing the incentive for recycling. Recyclers are being told that plastic waste containing even a fraction of starch will not be accepted for recycling because the starch interferes with the recycling process and damages the quality and consistency of the recycled product. Plastics are difficult enough to recycle without this added problem. Mixing biodegradable plastics into the waste stream will make it even more difficult to find recycling opportunities for waste plastics. The word "biodegradable" is rapidly turning into a marketing



manager's dream, once again to the detriment of the environment.

Even if a disposal system for disposable diapers could be safely implemented, it would be very presumptuous to assume that people in our communities would endure yet another recycling project, perhaps referred to as the brown box. Without the total cooperation of all the people in each community, such a program would be inefficient and disposable diapers would still be filling our landfill sites and causing environmental problems.

The answer is not to produce the environmentally harmful product and then try to dispose of it; the answer is to produce an environmentally friendly product which we can all live safely with. Cloth diapers have been used century after century, and I have yet to see a mountain of them in a landfill site, nor have I ever seen a cloth diaper on the side of the street or sidewalk. Disposable diapers are a poorly researched econowrap for infants which, in their short 25-year existence, have proven to be a resource-consuming, land-polluting product. Nearly 10 billion disposable diapers are manufactured from wood pulp each year in North America—800 million pounds of paper used once and then thrown away, full. For each baby, over half a ton of non-biodegradable waste.

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Bill 143 with appropriate changes or a similar bill with more precise definitions and guidelines is a necessary improvement to the act. However, this Bill 143 is inadequate in defining such terms as "biodegradable" and is vague as to which products are acceptable and which are undesirable.

The bill fails to identify immediate reductions in waste as having priority over experimental projects aimed at examining procedures which may or may not prove successful.

During the last provincial election I listened closely to the campaigns of the various representatives of each political party. The environmental objectives of the New Democratic Party were announced to the people of Ontario and I recall the indication towards the reduction, reusing and recycling philosophy of environmental awareness.

The people of Ontario expect competent leadership. This government must fulfil its commitment. To do otherwise will undoubtedly undermine any credibility it is trying to establish. To switch directions in the face of pressure from the large business sector will demonstrate a lack of ability to lead and govern this province for the people of Ontario.

**Reduction:** Eliminating the use of disposable diapers reduces the numbers of them going into the landfill sites. **Reuse:** Using cloth diapers over and over again promotes a program of environmental awareness acceptable to everyone. **Recycle:** Recycling the materials in a product to make other products is conducive to reduction of waste going into landfill sites. Under which of these categories does burning or composting plastic and paper fall? Burning these products produces dioxins and composting merely breaks the plastic down into smaller fibres which disperse into the soil or hide. It is still there. These processes do not even fall into the programs and priorities addressed by the provincial government.

It is not acceptable to invest in the destruction of our world for the purpose of personal gain or rewards. Investing in the preservation of this world is far more rewarding, both now and in the future.

That completes my presentation.

**The Chair:** Thank you very much. Did the other deputants wish to make some comments at this time?

**Mr Jollymore:** No, not at this time.

**The Chair:** Fine. I will reserve some time for you at the end.

**Mrs Mathysen:** Thank you for coming to the committee this morning. I appreciate this information very much.

I would like to ask you a question, though, based on something we heard yesterday. We had a representation from the Ontario Long Term Residential Care Association which talked about diapers and about the bacteria and germs that are contained in soiled diapers. But their concern was that it would be very expensive to launder and look after these diapers and that they simply could not afford it. I would like you to respond to that particular sentiment as expressed here yesterday.

**Mr Jollymore:** The concern in regard to the expense of maintaining—

**Mrs Mathysen:** Of laundering and separating the laundry for the facility.

**Mr Jollymore:** First, I would indicate that it is definitely a proven business enterprise. There are even just locally, here in Toronto, laundry facilities which for years have been providing reusable incontinence products to institutions in the Toronto area. I would name for one, for instance, the Clean Team in Markham.

In costing reusable products of course there is the fixed overhead to be considered as well as the life and maintenance of the product. In the comparison between using a product over and over, and in this particular case I would suggest to you that under proper washing conditions 150 to 200 washes can be obtained out of one product, it does not cost 150 to 200 times the cost of a disposable product to manufacture a reusable product. The room is there. The business is competitive and economical.

**Mrs Mathysen:** So it would make good economic sense for residential care?

**Mr Jollymore:** Definitely.

**Mrs Mathysen:** Thank you. I appreciate that.

**The Chair:** Mr McClelland.

**Mr McClelland:** Apparently one of the deputants would like to respond. Go ahead.

**Mr Yanaky:** There was one other point. In our particular service that we provide, we provide to the institutions such as hospitals and old age retirement homes the product and the laundry service. So we are very competitive as far as comparing to disposable diapers. I would even venture to say that we can beat their prices.

**Mr McClelland:** I would like to give you an opportunity to expand on that. There are many that would say the debate is still open with respect to disposable versus reusable,

that the environmental impacts in terms of bleaches into the water system is an offset, if you will. Would you expand on that? I just want to throw that out for you to put forward your case in response to that; not criticism, but the counterpoint, if you will.

**Mr Yanaky:** David is more knowledgeable about the technical end of it, but I will say that as long as there is competition out there, there is always going to be some kind of question mark. Let's put it this way: We are competing for a portion of the market as well as disposables.

**Mr Jollymore:** In laundering products you could produce an undesirable effluent. The Ministry of the Environment is obviously aware of this and has set down guidelines in regard to different chemical residues in the effluent and what is acceptable and what is not. Attached with the supporting documentation you will all receive with our brief is a copy, in my particular case, for instance, of the city of Orillia's pollution control department's letter to me indicating its concerns and the requirements of operating this particular type of business in its city.

As well as that, I would mention that the use of chlorine bleach has become obsolete in some cases. There are chemical supply companies in this area who supply chlorine bleaches that have had all the heavy metal removed. Furthermore, I would mention that we have opted to use a hydrogen peroxide bleach, which is considerably more expensive but contains no chlorine whatsoever.

In fact, hydrogen peroxide is used on occasion in different situations in the cleanup of environmental spills. If the laundry facility is operating competently, it should have looked at all these issues and answered them for itself and be operating in a manner which is acceptable to the community it is operating in and acceptable to the Ministry of the Environment.

**The Chair:** Mrs Marland, did you have a question for the Jolly Bottoms presentation this morning?

**Mrs Marland:** Not at this point, thank you, Madam Chairman.

**Mr Sola:** I just wanted to throw one question at you that arose yesterday. The question arose as to the safety of reusable diapers as compared to disposable. They were saying it is much more difficult to control or prevent the spread of disease and germs with reusable diapers than with disposable diapers. I wonder what your comment on that would be.

**Mr Jollymore:** I would tend to agree with that statement in general. Yes, it would be more difficult to deal with the spread of bacteria with a reusable product which is being used over and over again on various residents, in comparison to a disposable product which is used once and thrown away.

This difficulty is addressed in your laundry process by means of the temperatures at which you wash, for one; the chemicals which you wash with, second; and third, there are various bacteriostats and germicides which can be used in the event that chlorine, which is an excellent germicide, is not used. In our particular case, for instance, we use a bacteriostat in our final rinses which produces a hygiene product for the institution which is virus-free.

**Mr Wiseman:** I was just reading some of your information that you added here about diaper rashes and problems with disposable diapers on babies. I can bear testimony to that. We have had three children and what you have said is true.

We have heard from the private sector: "Do not push us. Do not regulate us. We will do it voluntarily." You are from the private sector and you are saying: "Push them. Regulate them." Could you perhaps explain how we could approach or look at that kind of dichotomy in what people are saying to us?

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**Mr Jollymore:** You are asking me to be a politician.

**Mr Wiseman:** I am asking you to give me some help.

**Mr Jollymore:** Yes, I am very definitely indicating to you that I think there should be at the very least, very easy to understand guidelines set down, and the people made aware. There has been lots of time on both sides for all the arguments to be presented. The disposable companies have made their positions known and are doing their research as to what they could do. The cloth companies have their positions and are doing what they are doing now. The problem I see is simply that nobody is willing to make a decision, to assess and evaluate what is available and make a recommendation as to what is acceptable and what is not acceptable.

I am not suggesting to you that you should ban disposable diapers. They do have a use. They were advertised in the late 1960s when they first came out as "the convenience of the 1970s." I do not think even the disposal companies realized how convenient they were. This is a habit that is going to have to be broken. I am not suggesting to you that it may be a particularly popular move, but 30 years from now, if the move is not made, you are going to be particularly unpopular for not having made it.

**The Chair:** Thank you very much.

**Mr Jollymore:** Thank you. I appreciate your time.

**The Chair:** There are some who would think that was not a political statement at all. We very much appreciate your appearance before the committee and thank you for your presentation. If there is additional information at any time that you think would be helpful to the committee, we would encourage you to communicate with us in writing.

I do not know if I speak for anybody else on the committee but I really like the name of your company.

**Mr Jollymore:** Thank you very much. Thank you all.

#### SUPERIOR-CRAWFORD SAND AND GRAVEL LTD

**The Chair:** I would like to call for our next presentation, Superior-Crawford Sand and Gravel Ltd. I would like to welcome you to the standing committee on social development. You have 20 minutes for your presentation and we would ask if you would leave a few minutes at the end for questions from committee members. Please begin your presentation now.

**Mr Jeffery:** My name is Michael Jeffery. I am with the law firm of Fraser & Beatty and I represent Superior-Crawford Sand and Gravel Ltd, which owns approximately



475 acres abutting the existing Keele Valley landfill site. The submissions on behalf of Superior-Crawford this morning will be essentially confined to issues related to the Metro-York region and those issues will include the following with respect to part II of Bill 143: We wish to address the issue of only one site, the time frame of 20 years, capacity estimates, ministerial policies, whether or not the Environmental Assessment Act should apply and the role of the private sector.

In addition, we wish to comment on part III of Bill 143, specifically on the need for part III, the inspection powers and the issue of injurious affection, and we will complete our submission with recommendations for amendments.

The apparent emergency which has led to the emasculation, in our view, of the Environmental Assessment Act proposed in Bill 143 essentially has disappeared. We now know, based on estimates provided by the ministry and the minister's opening statement to the committee, that there is sufficient time to do a fuller and more proper environmental assessment for a long-range solution and to have a hearing at which the assessment should be scrutinized fully and fairly by all interested parties.

Why only one site? At the outset of the hearings, the minister advised the committee that finding one environmentally acceptable landfill site would be extremely difficult. Its environmental and social impact on a local community would be significant, and essentially for that reason the bill specifies three sites rather than one for the GTA. That is found under section 12 of the bill.

Exactly the same principle and reasoning, in our view, applies to Metro-York. The landfill requirements for Metro-York are four times those of Peel and six times those of Durham. If it is appropriate to have one site for Peel and one site for Durham then, in so far as impact is related to capacity, it is equally appropriate to have more than one site for Metro-York.

A prudent and fair environmental decision-making process inevitably includes, and is required by the act to include, alternative methods of carrying out the undertaking. That normally entails consideration of the option of more than one landfill site. We submit there should be consideration of more than one landfill site in Metro-York.

Dispersal is a fundamental principle of managing environmental impacts. The legislation should not preclude consideration of more than one landfill site as more than one site would permit the environmental impacts to be dispersed and diffused rather than concentrated at one point.

Municipal landfill sites of more than one location in the municipalities, particularly Metro-York, would permit a more equitable sharing of the waste disposal burden. Considering social impacts, neighbours of a landfill site may be more outraged if they alone are required to sustain the impact of landfill for the entire Metro-York region which in fact generates a major portion of the province's garbage.

The only reason put forth for imposing the legislative straitjacket on the process of restricting the search to one site is efficiency. It is assumed that it is more efficient in

terms of cost and the environmental approval process to assess and develop one site rather than several sites. This supposition may be right or wrong, but should efficiency override environmental considerations? The number of sites should be one of the matters considered in order for a full and proper assessment to be completed. Restricting the proposal and assessment to only one site is a serious and major departure from the provisions of the Environmental Assessment Act.

Similarly, the 20-year time frame should not be a matter for legislation but should be a matter for scrutiny and assessment. In our view, the only rule that is right is that waste quantity estimates are always wrong. They are always being revised as time passes and site data accumulate. There is no indication that there is any scientific credibility to, or foundation for, the 20-year period from an environmental perspective. It may be that longer time frames are appropriate and it may be that shorter time frames are appropriate. As for land use planning and impact concerns, it is necessary to have in mind the need for permanent surrounding land uses and plans, to have in mind the cost and the construction of an infrastructure. All of these may be expensive but rendered totally redundant or wasted in 20 years.

These are issues that simply must be assessed. With respect to interested parties, in all fairness, they have a right to be heard.

Capacity estimates: Future capacity estimates, as stated, are always wrong. They are always being revised as time goes on in the light of reality experience. In our view, if there is a waste management crisis and nobody is exactly sure whether or not this is the case, it is because the Ministry of the Environment and others have produced wrong capacity estimates in the past.

To postulate a process that excludes quantitative estimates from challenge is to put forth something that in our view is patently wrong. To require, as the legislation does, that the assessments and hearings be based on what must necessarily be wrong estimates is to some extent ridiculous.

The same comments apply equally to estimates of reduction, reuse and recycling. Those estimates as well profoundly affect estimates for required capacity. Capacities and capacity estimates are the very types of things that should be subjected to proper assessment and scrutiny and challenged, if necessary.

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Ministerial policies: Many consider that the legislation makes puppets out of the Interim Waste Authority and the board by forcing them to comply with the minister's policies. That would strip the board of the discretion that is its function and duty to exercise.

Subsection 15(3) enables the minister to influence the decision of the board because the board must "have regard to" the estimates, "make its decision consistent with" the procedures set out in section 14 and "take into consideration" the minister's policies. That subsection goes very far in permitting the minister to rig the decision by imposing a straitjacket on the context for the decision-making. The board should be required to do no more than "take into consideration" the various matters referred to but

should not be subject to the more restrictive standards that are imposed in that section, namely, to "have regard to" or "make its decision consistent with."

It is important that the very best decision be made by the board after all issues have received full and proper airing and after consideration of all interests of all parties. It is important that the hearing be fair, bona fide and impartial and not be directed essentially by the minister.

We understand that a long list of sites has been prepared in apparent compliance with draft criteria that were put forth last year, criteria that may, with or without modification, become ministerial policies.

If so, that would be alarming. Those draft criteria are deficient, in our view, in a number of respects. For example, economics and efficiency, which are overwhelming public concerns, are not included in the draft criteria. That is particularly ironic when it is economics and efficiency that drove the policy that there should be only one site for the Metro-York region. If a list of sites was in fact prepared in compliance with those criteria, that list may wrongly have excluded the right site.

Once again, these policies should be subject to assessment and public input, and ought not to predetermine the outcome of the process.

Should the Environmental Assessment Act apply? The EAA requires that a sound and scientific, in terms of methodology, process take place before decisions are made that will affect the environment. It is important that the decision respecting a major future landfill site be made in the context of the provisions provided by the act.

Decisions that one and only one site will be put forward, that not less than a 20-year time frame will be considered and that the minister's quantity estimates will govern ought to be subject to full and proper scientific scrutiny at the hearing. Although ideologies and political beliefs are and ought to be important, nevertheless the issues that are excluded from the Environmental Assessment Act process by Bill 143 are so important and so significant that excluding them is tantamount to repealing the act with respect to one of the very matters for which the act is intended and is appropriate.

The role of the private sector: The IWA is government owned and run. It is paid for by the public from tax revenue. The draft site selection criteria proposed by the IWA show that government-owned sites are to be preferred over privately owned sites. We represent a private company and request that the legislation clarify the position and role of the private sector and whether privately owned lands may be acquired by the IWA.

The need for part III of the bill: We support in general the provisions of part III of the bill. The Keele Valley site has been in operation for many years. It is being tested and monitored constantly. It is functioning in a safe and secure manner and there is no indication that it will not continue to do so. The needed and costly infrastructure is now in place. There are no incremental impacts, other than on our client, generated by the proposed expansion. In our view, no useful information with respect to the proposed interim expansion would be generated by a further environmental assessment or by any further hearings at this point.

We agree that the principle of putting environmental interests first is in the public interest. It is inherent in that principle that needed expansions be directed to sites where it is known, rather than merely projected, that pollution will not be generated.

**Inspection:** Metro, on page 3 of its brief, advises that the powers of the inspectors referred to in subsection 17(11) could be used by Metro to enter our client's lands to implement the minister's report under section 29, despite ongoing litigation. We take strong exception to subsection 17(11). It is draconian and, in our view, also raises charter issues.

**Injurious affection:** We urge that section 19 of the bill be retained. A major landfill site does generate offsite adverse impacts. It is important, in our view, to maintain section 19 in the act rather than eliminate it, as the minister indicated would happen. Otherwise people and property that may suffer long-term adverse impacts from the ongoing use of the site may have no remedy or opportunity for relief. In our view, that would not be fair, nor would it be right.

In summation, we recommend the following: to permit the IWA to select and propose more than one site in Metro-York; to permit the IWA to consider a range of time frames rather than be restricted to a 20-year time frame; to permit the IWA to form its own capacity estimates; to require the board to do no more than "take into consideration" the minister's policies; to clarify the role of the private sector, and to delete subsection 17(11). In addition, we would recommend that part III in general be retained and that section 19 be retained.

**The Chair:** Thank you very much for your presentation. We have just a very few minutes remaining, approximately five minutes in total, actually four minutes in total. I have Mrs Marland first. Perhaps what we should do is, if you could just put your questions, then we will give the deputant a couple of minutes to answer them all.

**Mrs Marland:** Thank you, Mr Jeffery. I appreciate your comments on the term of long-term sites. It would seem to me entirely far more practical if it was not tied down to as long a period as 20 years, and I think perhaps that is part of the inference you are making. I think we are going to be much more successful in establishing a new site if people can be guaranteed that it is there for 10 or 12 years and then it is over and finished, not reversed, of course, the way this bill is reversing the Britannia 12-year agreement. If you tell people it is going to be there for 20 or 30 years, nobody is going to want it.

You talked about the IWA being paid for by the taxpayers. Are you aware that the \$17 million the province gave the Interim Waste Authority to set up and get rolling is going to be fully collected from those regions where it is working? In the case of Peel, where we have already spent \$8 million on trying to find a new site, we are also going to be billed for anything the IWA does in Peel.

**Mr Jeffery:** Should I respond at this point?

**The Chair:** We will let everybody put their questions on the record. Mr McClelland.

**Mr McClelland:** I do not know if there is a particular response you can summarize for what I would like to put



to you, sir. It seems to me that what you are saying is that Bill 143 does a number of things. It does not consider a scientific or environmental perspective in terms of its implementation; it does not allow challenge, assessment or scrutiny in the full sense of the word. Rather in fact what it does is let policies that, as you so aptly put it, are ideologically formulated dictate waste management for this province. It excludes the very best decisions being made. You used terms like it "rigs the decision," removes "sound and scientific" evidence, with the result that it is "tantamount to repealing the act," that act being the Environmental Assessment Act.

Is there some way you could summarize that and try and bring home the point somehow, which is what we have been trying to do in this committee, that Bill 143, with some exceptions you have pointed out, although there is some merit in some of the points, for the most part in the structure is contrary to the framework of law and protection and evolution of environmental law in this province to date, that Bill 143 basically wipes it all off the map and we start fresh with ideology and not scientific, empirical law?

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**The Chair:** Your time is up. Mr Wiseman, put your question please.

**Mr Wiseman:** You commented in the brief about a list of long-term sites. It has been indicated here on more than one occasion by the IWA that this list of sites does not exist, and I think it is somewhat mischievous to continue to produce a myth when those facts do not jibe with what we are getting from the Interim Waste Authority. It is tantamount to calling them liars and I do not like that.

**The Chair:** Did you have a question?

**Mr Wiseman:** I would like him to comment.

**The Chair:** You have about two minutes for—

**Mrs Marland:** He did not like you using that word. Could we have some parliamentary language there, Mr Wiseman?

Interjection.

**The Chair:** I am sorry, Mr McClelland used all the time available for your caucus.

**Mr Jeffery:** To start off with, as a former chair of the Environmental Assessment Board, I have some serious concerns with what the proposed legislation does in terms of fettering the discretion of the board and what it does to the environmental assessment process in general. Our position is simply that if the board is required to make a decision after a full environmental assessment, yet is fettered in its discretion and is required to take into account and make its decision consistent with policies set by the minister, then in effect it very much undermines the integrity of the legislation itself.

The environmental assessment legislation provides for a consideration of a number of factors, including things like alternative sites, including things like alternatives to the undertaking itself. The ministerial policies set forth in this bill would preclude some of those considerations. As a result, in our view, if you are going to say the proposal is going to be subject to environmental assessment and it is

going to be subject to the Environmental Assessment Act, then that proposal should be assessed in accordance with the methodology that has been developed over several years under that act, and that is to take into account a full appreciation of everything: time frames, alternatives and a number of other issues in terms of the alternatives to land-fill itself, whether it is incineration or whether it is reduction or reuse or recycling.

**The Chair:** Mr Jeffery, I want to thank you very much for your presentation this morning. We always seem to be running out of time. It is very frustrating to have to cut people off. I would like to remind you that you can communicate further with us in writing. We have received your brief and we are going to be receiving additional information from presenters over the course of these hearings. Thank you very much. We appreciate your coming this morning.

**Mr Jeffery:** Thank you for the opportunity.

**Mr McClelland:** May I raise a point of order while the next deputant is coming?

**The Chair:** What is your point of order?

**Mr McClelland:** It seems to me that if I were to say to the member opposite that he said something that was tantamount to a lie, you would have called into question my use of that terminology. It seems to me as well therefore that if a member uses that language, "tantamount to a lie," to a deputant, that has to be taken into consideration.

I would also say within that context that it is interesting to note that the government that said there was a list, that promised there was a list, and we have a memorandum that says there was a list, is now saying that an individual who comes forward on that expectation is saying something tantamount to a lie.

I think it raises tremendous issues in terms of credibility and sincerity, and I want you, Madam Chair, to review the appropriateness of my colleague referring to a deputant's statement as being tantamount to a lie. I believe those were the words that were used. I think it is very clear that it is uncalled for and inappropriate. I would ask you to review the record, and if you so find, I ask you to ask Mr Wiseman to withdraw that and to issue an apology.

**Mrs Marland:** On the same point, Madam Chair: I think that since the government members have been here 18 months, they should now understand that when we hold public hearings, we invite the public to come before these committees as our guests. Whether or not you agree with them, I do not think to refer even indirectly to a deputant having said something about lying is appropriate.

**Mr Ruprecht:** Madam Chair, on the same point.

**The Chair:** No, I am not going to permit any further discussion at this time. I think it is best that we move on with the public hearings.

#### CONCERNED CITIZENS OF KING TOWNSHIP INC.

**The Chair:** I would like to call Concerned Citizens of King Township Inc. Please come forward and begin your presentation by introducing yourself to the committee. You have 20 minutes for your presentation. We would appreciate it if you would leave a few minutes at the end for questions.

**Mrs Coburn:** I am Margaret Coburn. I live in the village of Schomberg, one of the three villages in King township, and I have with me my vice-chairman of the Concerned Citizens of King Township Inc, Jean Hunt, who farms about 500 acres in King township and breeds, raises and shows shorthorn and Lincoln Red cattle, and has won many awards.

Thank you for your presence here this morning to hear yet another deeply concerned response to Bill 143, An Act respecting the Management of Waste in the Greater Toronto area and to amend the Environmental Protection Act.

The Concerned Citizens of King Township Inc is a 24-year-old citizens' organization which "exists to provide opportunities for members of the community to foster and support actions that maintain the rural character of the township and preserve its environmentally significant features, while accepting the necessity for some growth within the township, and for an adequate tax base to meet the needs of the community." That is directly from our constitution.

We have been incorporated as a non-profit organization under the Corporations Act of Ontario since March 1990. Our membership is made up of approximately 175 families, property owners in five of the six wards of the township. We hold four public meetings each year, conduct a bus tour of selected natural features in King each year and provide our members with four newsletters annually. We have a membership in STORM Coalition—which I believe you heard from a couple of weeks ago—of which we are a founding member, and in King RORES, which is another group I think you heard from a couple of days ago.

Our guest speakers at our public meetings have included David Crombie, Ron Kanter and Carman McClelland, representing Environment Minister Jim Bradley in the spring of 1990. We are looking forward to hearing from John Sewell on March 5 of this year.

We have been involved in the Solid Waste Interim Steering Committee, SWISC, and the IWA programs. We have examined Bill 143, and some of the public debate in the House through Hansard. We would like to thank the members of the House who have spoken so eloquently against this bill. We are aware of the statement made to this committee by the Minister of the Environment and minister responsible for the greater Toronto area on January 20, 1992.

We have read the submissions made to you by STORM and RORES, by the township of King, and some of us were present when the region of York made a strong and I hope effective presentation to you. We congratulate these groups on the strength of their presentations, which certainly demonstrates the depth of their concern, and we share that concern with them. This bill should be withdrawn.

Rather than repeat the specific wrongs that are in the bill, which are by now well known, we have elected instead to present to you positively what we believe should be the route taken by this government.

We are of course supportive of pursuing the government's 3Rs. In fact, we feel that if any kind of arbitrary restrictions, such as those in Bill 143, are to be placed upon anyone, anywhere, it should be upon industries and retailers who still produce unnecessary packag-

ing, upon businesses and government whose love of making innumerable copies is legendary and on the contributors to our junk mail travesty. The producers of unnecessary waste should indeed be candidates for some arbitrary decisions, albeit within a limited time frame, until they finally realize we do not want excess stuff to overload our waste disposal processes.

But to present a restrictive proposal such as this one in Bill 143 that will eliminate protection for the very issues that many of us have fought for for years, protection of the environment, respect for our natural resources, the realization that intelligent planning must include an awareness of and support for the natural elements, many of which are irreplaceable, is beyond belief.

To continue to put underground, particularly in populated areas, vast quantities of waste material, the effect of which cannot be easily determined until it is tragically obvious, simply cannot be condoned, and we expect the government of our province to know this and to listen to all alternatives, to consult and to act upon the best advice possible, without narrowing the pool of information from which this advice can be drawn.

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We agree with previous presenters that this appears to be a panic bill, guaranteed to bring out the backlash that is developing and gaining momentum. We agree that:

1. All alternatives in technology should be explored.
2. All possible locations for sites should be looked at, not just narrowed down to certain areas.
3. No single community, such as York region, should be asked to accept Metro garbage if that garbage cannot be handled within the boundaries of Metro. I cannot believe this could be politically motivated, as has been suggested, but on the other hand, there appears to be no other explanation.
4. Environmental assessment laws must not be suspended as a solution to our problems, as appears to be the case.
5. An awareness of the importance of the Oak Ridges moraine to the whole province, and to Metro Toronto in particular, with respect to its impact on the quality of water, must be fostered and acted upon now, not ignored by this minister today in Bill 143 and yet lauded by another minister yesterday as a matter of provincial interest, meaning that minister is aware of its importance.

These points have been made both in the House by members of the opposition and to this committee by municipal officials and ordinary citizens. From our unique standpoint, we wish to bring to your attention our position.

As a citizens' organization, we have aggressively supported the implementation of our township's official plan. In November 1990 a draft update of our 1970 plan contains six goals, three of which are: to preserve the unique and rural character of the township, to protect, conserve and enhance the natural environment of the township and to promote the long-term availability of agricultural lands for agricultural purposes within the township. These goals have been consistently pursued in King under the 1970 plan.

In the past three years, our organization has taken part in four Ontario Municipal Board hearings regarding proposed developments that would impact on our rural areas.



We have succeeded each time in our position that rural lands in King should be preserved.

In 1989 the Bolton bypass proposed by Caledon, which was to come up the town line between Caledon and King, was deleted from an official plan amendment by the OMB, and the issue sent for review to the Ontario Environmental Assessment Advisory Committee, which recommended that a bumped-up environmental assessment should take place. This recommendation was accepted by the then Minister of the Environment, and the assessment is now taking place.

In June 1990 OMB Chairman Ball rejected a severance proposal for 69 acres to be divided into three lots, saying, "It is clear from the evidence that King township wishes to continue a policy of slow growth and controlled development to preserve the rural area."

In May 1991 OMB Chairman Santo rejected a proposal to divide 23 acres into four lots, saying the proposal does not conform to the official plan policies, the intent and purpose of which are "to reduce the intensification of non-farm uses, and thereby reduce any potential conflicts with the active agricultural community."

Finally, in January 1992 OMB Chairman Wilkes rejected a severance proposal to divide a 24-acre parcel into two lots, saying, "The official plan contains the general policy that the predominant use of the land in areas designated rural should be for agricultural or conservation purposes, and the principal issues (in this case) are official plan conformity and concerns over the effect that this conveyance might have on future applications of this kind."

I submit that if this bill proceeds and if a certain area of King township should be selected in the rural area with no chance of an environmental assessment nor input from residents, the successful efforts of our members as concerned members of the community to preserve the rural nature of the area will result not in the inappropriate residential development they fought to prohibit, but in a landfill site full of Metro garbage.

I respectfully assure you that such an outcome will be bitterly resented, and if politics are in any way involved in this, I would say it will ensure the continued election of non-NDP members to represent the area in the foreseeable future.

Madam Chair, I would like to ask Mrs Hunt to add to this.

**Mrs Hunt:** Waste management is a problem that can be solved by research and experiment, public education and cooperation. The ministry needs no further authority to proceed on this basis.

The people of this province are entitled to a logical solution to the waste problem. We do not accept statements or decisions not based on facts. We will not accept a statement from the ministry containing phrases such as "I know," "As I said," "I would like," "I determine," "I hope," "I believe," "I have heard" and "I am increasingly confident." We cannot accept a statement from this ministry that takes a year to answer an urgent letter, or perhaps never answers that letter.

We cannot accept Bill 143 from a ministry that desires to take from Canadians even one of the democratic rights we consider our heritage. That is the final outrage.

**Mr McClelland:** I do not know where to begin, quite frankly, because I think you sum it up in the final paragraph. It is a bill that in my view says, "I'm sorry, anything that you've fought for and things that you believed in and as a society have fought for collectively do not matter." I would add a couple of phrases to one of the quotes: "I know best," "I know better," "I know better than anybody else," "My ideology is all that matters" and "The ideology of the government is what is important." People do not necessarily matter any more. Promises that were made do not matter any more.

I can simply say to you that there are a lot of people around the province who heard earlier some reference to a list. I am sure the people of King would love to know what parcels of land are being considered as possible waste sites. We were told in this committee earlier that no list exists, and we accept that as fact. We also know that much work has been done on parcels of land. The criteria have not been applied to parcels of land. We have been told in this committee that parcels of land are somewhere in the funnel. Clearly what the government could do, if it is true to its word, I would say, is produce those lists so that people such as yourselves know which parcels of land were under consideration.

It is the height of hypocrisy, it would seem to me, for a government to say that it wants people to be involved, it is concerned about people, and to bring forward a piece of legislation like Bill 143 that says, "What you say does not matter any more, because we know best." It is very much a principle of democracy that is at stake here. It is contrary to every fundamental principle we believe in and this government used to espouse prior to being elected. I do not know how better you could have said it. If you want to add to that, please do.

**Mrs Coburn:** I think the bill is really scary when you read it as to the potential of what it could turn into. We are delegating powers to people that I really do not think should be there. In that context, it is scary.

**Mr McClelland:** Not the people. You are saying the powers should not be there?

**Mrs Coburn:** The power should not be to specific people, like inspectors and others. They are being given powers that I think are too strong and should not be there. I think we do not need that kind of power. The bill seems to speak to that: "This will done, and that"—as you say, that does not matter—and "This is what shall happen. Those people can go in and they don't need to answer to us." It is this kind of wording that we are really nervous about in the bill.

**The Chair:** You have the floor, Ms Haeck.

**Mr McClelland:** I wanted to clarify that you were not saying people per se, but people in general.

**The Chair:** Mr McClelland, you no longer have the floor.

**Mr McClelland:** I know I no longer have the floor. But that is not what you wanted to say?

**Mrs Coburn:** Yes. Thank you very much.

**Ms Haeck:** While I did want to ask a question regarding views on incineration, I am going to defer to Mr Wiseman at this time.

**Mr Wiseman:** You have mentioned the Interim Waste Authority and that you have had some involvement with that. Is it safe for me to assume that you have read the criteria?

**Mrs Coburn:** Yes.

**Mr Wiseman:** Then you know that in the very first section, class 1, 2 and 3 specialty-crop farm land will be excluded from the site search area; that you know that hydrogeologically difficult areas will also be excluded; that under the social criteria, lands adjacent to urban areas that have already been established will be excluded; that in one of the sections it talks about the role and the criteria for fairness and what kind of weight it will be given in the criteria selection process; and that what is really allocated for the site selection search within the document is land that has been under official plans, or otherwise indicated to be industrial lands and lands of subdivision that have not yet had site plan approvals or submissions on, which means that the site selection process is very narrow in terms of where the IWA can in fact look for long-term sites. Having said that, I would like your comments on whether you think that is fair, or what other criteria should be added to ensure that absolutely the best site is located.

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**Mrs Coburn:** The Oak Ridges moraine does not come into it at all, for one thing, which is a matter of concern to us, and, as you say, the first three classifications of agricultural land. But there is also valuable agricultural land which is not necessarily class 3. There are classes 4 and 5, on which agricultural activities are successfully taking place right now in King township. I do not think it really rules that out.

Jean, did you want to add something?

**Mrs Hunt:** Large dairy farms are operating on classes 4 and 5.

**Mr Wiseman:** But the criteria would exclude them.

**The Chair:** Your time is up, Mr Wiseman. Thank you very much. Mrs Marland, you have the floor.

**Mrs Marland:** I think the main point is that we do not have any security anyway, in spite of the things Mr Wiseman has just said. This is the same minister who believes in a bill of rights while in fact this government is a bill of nobody's rights. This bill actually mandates the government to have all the rights and have the public pay without any input or any say, any representation at all. It is really a government dictatorship with all the powers resting with the government and all the bills being paid by the taxpayers. No matter whether they say they are going to exclude this land or that land, how can we know? They have completely gone 180 degrees from when this minister came in 18 months ago. Then they took 18 months to bring forward this bill, which was absolutely ludicrous.

I would just like to congratulate you for being here. Obviously a 24-year-old grass-roots organization such as yours should be listened to by a government that said it was always for the grass-roots and the people of this province. It is too bad they have such short memories.

**The Chair:** Thanks very much, Mrs Marland. There was no question and our time has expired. On behalf of the committee I thank for appearing this morning. If there is additional information you think might be helpful to committee members over the course of our deliberations, please feel free to communicate with us in writing.

#### DUAL REMOVAL SYSTEMS LTD

**The Chair:** I would like to call next Dual Removal Systems Ltd. Begin your presentation by introducing yourself to committee members. You have 20 minutes for your presentation, and we would appreciate it if you would leave a few minutes at the end for questions from committee members.

**Mr Abrams:** Thank you for giving me this opportunity to address you today. My name is Izzie Abrams and I represent Dual Removal Systems. Dual Removal is a waste-hauling company located in Toronto. We directly employ 47 men and women and create indirect jobs for over 200 others.

By now, you have heard presentations from one extreme to the other with respect to Bill 143. I am sure there have been presentations that have ranged from being vitriolic to being complimentary in nature. The crisis in this province is not a crisis of waste management but of government leadership. We need a government that will lead, not a government that thinks it needs to control every aspect of our lives. What we also do not need is a government that creates vacuums by its legislation and then announces it is the only possible solution to the problem it has created.

We need legislation that enables and fosters economic development, not legislation that disables such activity. It appears that Bill 143 enables the provincial government to have far-reaching powers to control waste activity at a multitude of jurisdictional levels. As you must realize, this can and has fragmented any advancement to our waste management practices. It also obscures opportunities for innovation to help solve problems. We simply do not know whether to turn left or right at Main Street.

We all recognize the need for change in the manner that organizations and households buy products and create waste. Changes are also required in the way wastes are collected, processed and stored. Some of those changes are behavioural, some are structural and some are regulatory. It will take policymakers, educators and the private sector working together to realize these changes. What we do not need is regulatory fragmentation of the process. What we do need is leadership that recognizes opportunities do exist for partnerships to be built to pursue the required breakthroughs.

The demand for high-quality waste material requires efficiently integrated separation, transportation, transfer and constant refining of systems. The opportunity is certainly here to apply sophisticated manufacturing and process



control technology in order to achieve improvements in efficiency, economics and quality.

Clearly you would have to agree that this does not sound like the role of a regulatory agency. Why then do we find ourselves discussing legislation that has this very impact? Perhaps the answer to this question can be found after the answer to the next question. What is the real purpose of this legislation? Why did the minister introduce the bill without a statement in the Legislature and without public consultation? Is the concept of a consultative process reserved only for those who agree with the government?

We need to stand on guard when we sense the development of yet another state-run agency. This one could be called the Ontario Waste Management Utility. Over time such utilities become authoritarian and monopolistic, and their managerial competence is questionable. With this in mind, I would like to offer some specific comments about Bill 143. These will be brief and to the point.

Part I of the act substantially changes the program that the Interim Waste Authority was originally set up for. It changes it into a crown agency and allows this agency to designate inspectors and give them power of entry to private property. These new powers are far-reaching and excessive.

Part II continues along the path of disregard for what already exists and implies that an environmental assessment is no longer necessary. Others have said this before, but it is worth repeating: If there is a problem with the EA process, then let the process undergo a change. Do not circumvent it because it is just not currently convenient for the government. The Minister of the Environment has sufficient powers to deal with an emergency if indeed one exists.

The legislation should not reject the notion of a fully integrated waste management program which might include incineration and shipment of processed waste beyond watershed boundaries. Such solutions should stand or fall on their own merit and should not be prejudged. Landfills should be sited and located based on sound environmental principles and not on some notion that they must fall within jurisdictional boundaries.

As experienced waste managers, we can tell you that the composition of waste and the handling of materials will change over time as our society progresses. We will see new innovations in product design that will help reduce waste and technological advances in waste processing equipment that will lead to greater levels of diversion, all leading to a very different waste stream than the one we see today.

Part III deals with the power of the Minister of the Environment and would allow the minister to override the Environmental Protection Act and any other agreement which may have been made in good faith by both private and public entities. This allows the minister to expand existing sites without allowing for any recourse for either citizens or businesses that may be affected. It also sends a clear message out to the world, and in particular to the investment community, that Ontario is no longer the place of freedom and opportunity it has always been thought to be.

Part IV is the most dynamic part of the legislation because it dictates what generators may have to do with their materials. It also shows disrespect for the efforts of

those people and companies that, especially over the last four or five years, have invested in and implemented systems which have reduced the amount of waste being generated.

We have spent millions of dollars to recover marketable materials through processing facilities. We are prepared to further augment our reduction and diversion efforts already in place, but like so many others we are unsure of what is coming up. The private sector, as well as regional and municipal governments, is on hold until after this legislation is dealt with. We simply do not know whether to go right or left at Main Street.

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In summary:

1. The bill does not appear to provide the best economic and environmental solutions to our waste management concerns.

2. The bill appears unfair to the private sector, potentially eliminating the role of the private sector waste-recycling company. It also does not indicate a partnership role for the private sector. In particular, it does not support the historical role of government regulating while the private sector implements and operates under those rules.

3. The bill reduces the scope of the landfill site search and of environmental assessment requirements, indicating that the province has already accepted that changes to the Environmental Protection Act are necessary.

4. The bill does not appear to support the belief that successful waste policies and programs must contain a well-balanced combination of options, including the potential of energy from waste and shipping of materials to where they can best be processed in an environmentally sound and economical manner.

5. The bill would give the minister the power to define any material or operation, or the use or sale of products, to be under the jurisdiction of the ministry and would potentially have dynamic implications for the business sector, which has to compete on a national and, yes, global basis. The bill also gives power of entry and allows for tests on private property if the minister wishes, and is indifferent to the rights of the land owner.

6. The minister already has emergency powers under the EPA in the event of a crisis. This bill appears to say they are going to use and exceed these powers. The bill will give no recourse to any resident, region or municipality, nor does it necessarily respect any agreement already in existence should the minister decide to take action. At the same time, the bill contains the direction to pass responsibility to unelected officials.

7. The bill appears to show desire to control industry and its materials in general.

8. The bill would prevent business from shipping materials to a location out of the province or an area, while allowing the province to direct material out of an area, if it chose, or to direct material into an area.

9. The bill sets a tone which is anti-business and further creates a poor atmosphere for maintaining business in Ontario.

**The Chair:** Thank you very much for an excellent presentation, Mr Abrams. Question, Mrs Marland? We

actually have about 10 minutes in total remaining for the entire committee, so you have about three minutes.

**Mrs Marland:** I was about to get excited; I thought I had 10 minutes.

**The Chair:** No, your caucus has three minutes of that time, and then I will allow Mr Abrams a few minutes at the end to sum up.

**Mrs Marland:** Mr Abrams, thank you for your concise and very deliberate presentation. You are absolutely right that the concept of consultative process is reserved only for those who agree with the government. We happen to know that on the labour law reforms act because they write to people who are in business and tell them they will put them on a list of people they may consult with. That is in a case with somebody in Mississauga who employs 3,000 people. Whether it is this bill or other bills, you are absolutely right, that is the attitude of this government. It certainly is being a dictatorship, as I said a few minutes ago.

Is it not interesting that they will dictate what generators will do with their materials even though they are not doing anything in research and development to expand and develop new markets for those materials? As a gentleman said yesterday, they are going to make us count our Kleenexes but there is not anywhere they necessarily have created a market for those recycled materials to be used.

You say: "The bill appears unfair to the private sector, potentially eliminating the role of the private sector waste-recycling company. It also does not indicate a partnership role for the private sector." Of course it does not, because this government is out to destroy the private sector in everything, whether it is child care, care of the seniors or waste management.

Obviously knowing and understanding as well as you do about the ideology of this government is—goodness knows how it is going to protect the jobs of all its friends in the unions, because there will not be any jobs the way it is treating business—do you have any comparison, being as familiar with your industry as you are, with other provinces in Canada that work with your peers in your industry?

**Mr Abrams:** The answer is yes and no. I have wide experience throughout North America with waste handling. It is clear to me at least, and maybe I am a minority of one, that government has a responsibility to pass policy and introduce legislation but that the private sector has the task of carrying out that legislation. When that legislation becomes prohibitive to the point where you can no longer conduct your business, then the government might as well own your business.

**Mrs Marland:** Exactly.

**Mrs Mathysen:** We have heard from a significant number of environmentalists and incineration experts that incineration is not safe, it is not environmentally sound because it produces toxins dangerous to human health and dangerous to the environment and that there is no technical panacea, as people who do not want to accept that testimony keep insisting. In light of your statement about the need to consider incineration and energy from waste, I am wondering where you would site an incinerator. Where

would you place it in light of the fact that it is dangerous to the environment and dangerous to the people who live around it?

**Mr Abrams:** I am not saying that it is dangerous—

**Mrs Mathysen:** I am.

**Mr Abrams:** —and I am not indicating where I would—I will answer your question if you will give me a chance. I listened to you. I am not saying that incineration is dangerous; I am not saying that it is 100% risk-free, but walking across the street is not either. I would suggest that the information you are getting may be one-sided and I am sure we can bring to this table expert witnesses who would have the opposite view on energy from waste. I am not suggesting for a moment that we run out tomorrow and site an EFW plant next door to Queen's Park. What I am saying is it needs to be considered as part of the options to the solution. Burning coal for power is as unsafe as nuclear power and perhaps even more unsafe than burning energy from waste. I would rather see an EFW plant cogenerate electricity than a nuclear plant generating electricity, and if you would like to tell me the opposite, then I guess the people will decide which is safer.

**The Chair:** Mrs Mathysen, your time is up. Mr McClelland, you have the floor.

**Mr McClelland:** Sir, I think you have just seen an example of the consultative process. You come forward and present a brief that talks about Bill 143 in its broadest terms. You get a consultative process that says: "Hey, there's something that we want to talk about in incineration. We want to focus the issue, because we don't want to listen to what you're saying. We don't want to hear the deficiencies that you're putting forward and the concerns." You are saying that we have to stand on guard, to use your terms, with state-run agencies. "The great experiment of 75 years has collapsed in the Soviet Union, but we want to try because we believe that governments can do a better job."

They do not want to hear you say that, so they want to talk to you and challenge you on incineration and divert the focus of what you are saying. That is the consultative process that we have engaged in throughout these hearings. That is the frustration that many people in business have come and said, and that is why they say Ontario is no longer a place of freedom and opportunity. They do not seem to understand that a consultative process is not laughing when you are presenting a position that is contrary to the government's and sneering when you challenge them.

I do not know what more I can say, sir, other than I hope that somehow it will get through to somebody in the senior levels of government, because we have here a response, I think, that you just saw ample evidence of. "We don't want to talk about the whole package. We'll pick the little point that we think we might be able to score a point or two on," realizing that the whole body is sick. "We're going to look at the one little finger that maybe we can make a case on." That is the consultative process. You have seen it in evidence. You have seen it right now. That speaks volumes to the people of Ontario who may be



watching about the kind of government we have that says: "We'll do it our way. The experiment has failed all around the world, but trust us, we'll run it." As you say, "We may as well run the business, because we know best."

**The Chair:** Thank you, Mr McClelland. I did not hear a question. There is time, Mr Martin, for a quick question.

**Mr Martin:** I need to put on the record that I am taken aback by the information you present. I want you to know that contrary to Mr McClelland and Mrs Marland, this government is showing leadership in this field. The public demands action on waste reduction and part IV delivers this. Part II provides an environmental assessment process. It simply rules out so-called options like incineration, which has been discredited here before this committee. This bill does not exclude the private sector. The government believes in cooperation. Initiatives Paper No 1 would provide new opportunities for private sector waste companies. Are you aware of the paper and did you comment on it?

**Mr Abrams:** I did not comment on it in this brief, and I am aware of the paper, yes.

**The Chair:** There are a few minutes remaining, about two or three, if you would like to sum up or if there is anything further you would like to share with the committee, Mr Abrams.

**Mr Abrams:** Thank you, Madam Chair. I pretty well said what I had to say in my paper. I would just like to say again: Just because we disagree on issues does not mean we are not focused on the solution to the problem. No one single source, not this government, has all the answers, and when you rule out part of the solution, you are going to rule out getting the problem resolved. So when you do not listen to the private sector and you think you can do it better than the private sector, what you are going to have is a problem of epic proportions that will only result in what you see resulting in the eastern bloc countries today.

**The Chair:** Thank you very much for appearing before the committee. As I have told others, if there is additional information over the course of our deliberations that you think would be helpful, you can communicate with us in writing. All members have received a copy of your brief, and we do appreciate your appearance.

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#### JOSHUA CREEK RATEPAYERS INC

**The Chair:** I would like to call next Joshua Creek Ratepayers Inc. Please come forward. You have 20 minutes for your presentation. I would ask that you begin your presentation by introducing yourselves to members of the committee and that you begin your presentation now, please.

**Dr Mailhot:** Madam Chair, members of the committee, thank you very much for giving us this opportunity to make this presentation. My name is Roger Mailhot. I am a member of the Joshua Creek Ratepayers. I am chairman of their environmental committee. My occupation is director of scientific affairs in a pharmaceutical company responsible for the development of new medications.

I am accompanied this morning by Mr George Brown. Mr Brown is vice-president of Joshua Creek Ratepayers, and he is financial officer in a publishing company here.

This is the plan we plan to follow here for our presentation. I would like to give you first a little bit of background on our ratepayers' group. Mr Brown would like to share with you our experiences we had with incineration issues in the Halton and Oakville area. I would like to share with you our experience with comprehensive recycling. I think we have some very interesting information to provide you on this. Finally, there are three conditions we would like to enunciate here that the committee should consider, or any organization should consider, before incineration can be considered as a method of waste disposal.

Let me start with the background on our organization. The Joshua Creek Ratepayers operate in east Oakville. We extend from Winston Churchill Boulevard to Maple Grove Street. This organization represents 1,800 households with more than 600 paid memberships. It is important to note that our organization has demonstrated over the years a dedication to seriously studying socioeconomic matters in Oakville and Halton region.

Since 1971 our approach to various issues has been a constructive one. We have worked with the staff at various levels of government and with politicians. We have helped to provide the politicians with workable alternatives supported by both the staff and the residents. Our ratepayers' group includes members with expertise in many fields who have devoted considerable time and resources to evaluating projects which have environmental impact. Let me give you some examples.

Our organization participated actively in 1984 in the evaluation of a proposal by Halton region to establish an EFW plant at Ford, Oakville, and Mr Brown will relate this experience to you on the second point. Mr Brown was vice-chairman of the solid waste advisory committee of the regional municipality of Halton, which produced its report in March 1986. Our organization has been very active in evaluating the proposal by St Lawrence Cement to burn garbage in its cement kilns located on Lakeshore Road. We are currently opposing this proposal because it does not meet the conditions that I will discuss in point 4. Finally, as I will explain in point 3 of this presentation, we worked with Halton regional government to bring some solutions to the garbage problem. I believe that our interest and commitment in this field is clear and genuine.

I would now ask George to explain to you our experience with incineration issues in Oakville and Halton region in the last 10 years.

**Mr Brown:** First of all, the first incinerator in our area was the one built by Tricil over near St Lawrence Cement, which was to burn hazardous waste and was shut down, I think, almost 10 years ago because it was a hazardous incinerator. There were no controls on anything. I do not know if you remember, but it has been shut down for quite a while.

After that was the Swaru, solid waste reduction unit, incinerator which is still working in Hamilton, which I have toured, and then, as Roger mentioned, was the proposal by the Halton region to build an energy-from-waste

plant. The reason was to get environmental assessment approval of the landfill site, which I am sure probably many of you know. We finally will be opening it up this fall after, I think from when it was originally proposed, almost 15 years. It was a long and laborious process which included a very serious look at incineration on a 600 tonne-per-day plant at the Ford Motor Co. After that, Ford Motor Co has built its own Petrosun energy-from-waste proposal to handle its corrugated paper and skids. Then, as Roger mentioned, St Lawrence Cement has been talking to us for about eight years about its proposal.

Going back to the first, the regional incinerator which is what really woke us up, I would not be sitting here today if it had not been the enlightened views of the residents who came to us, an organization, and said, "You have to look at this." Incineration is an engineer's dream. You have a great big thing. You take a problem, you dump it in and it all goes out in smoke.

I remember a medical doctor who came to us. I did not know what a furan or dioxin was before, and we started looking at it and back then the Ministry of the Environment's approach was, if you build the stack high enough the dispersion is broad enough and therefore the pollution meets the standards. There was no concept of what the overall effect is. If you take that same kind of philosophy with a car engine, then you can have a car engine pollute as much as you want because the individual effect from a car is relatively insignificant, but taking them all together it makes quite a bit.

We got quite heavily involved in that and also with Ford Motor Co. Ford Motor Co pulled out because it saw it was going to jeopardize its own proposal. Their own proposal, which is the current active incinerator in our area, is an interesting one because it was made possible by a grant from the federal government called the forest industry renewable energy program, which was looking at alternative uses of energy.

It took skids that were being recycled with a skid manufacturer and the corrugated that went to Domtar at the time and burned them. It was \$1 million from the federal government that made it possible. This was a pilot project for Ford Motor Co and it was going to do this at its other plants throughout North America. It is still the only one.

When the Ford Motor Co was making the presentation to the region Domtar came and said: "Look what you're doing. You're taking our major source of corrugated"—back then in 1985—"we are recycling"—which they were currently recycling—"and now we're going to have to import corrugated from the United States to go through our plant in Brampton." Since then we have managed to solve that supply problem otherwise, which I think is a credit.

Here we were taking material that was currently being recycled and burning it, and the idea was to get energy to the Ford Motor Co. They went ahead and they got it up and going. Also, what was attractive to the Ford Motor Co point of view was that 12 people used to sort it and it replaced them with three operators in their energy-from-waste plant on Royal Windsor Drive, and it created steam, which heated the plant in the winter.

In the summertime they just burn it, because they do not need the steam. John Mackay, who is the director of waste management of Halton region, went and said: "Instead of burning this, why don't you give it back to us so we can recycle it? We've got a recycle program going." And they said, "No, it would be too labour-intensive because we have laid off those 12 people, and we no longer have the people to sort it out because now it all goes in one great, big bin and gets burned out."

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What we have is an energy-from-waste plant that in the summertime becomes an energy-to-waste plant because we are burning all that recyclable material and sending it up in things. In my mind, that is certainly what was discovered when we were looking at a reasonable proposal, that incineration of garbage is a detriment to recycling.

When the Victoria Hospital incinerator went in, which was one of the first incinerators here in Ontario, from an energy-from-waste point of view, the director there pointed out that he did not want to propose a recycling program because it would take away his fuel source, so we have got conflicting priorities here.

At one time, when Charlie Coles first came to us and said they were thinking of burning garbage—that was before I understood the impact on recycling—I said: "Maybe that's a good place to burn garbage. It's nice and hot, it goes way up and gets spread." But through my involvement over the years I first found out about dioxins and furans. Charlie maintains that their plant would do it, but then I discovered that particularly in Europe they have had problems with the heavy metals, the chromiums, the leads and the mercuries, and that these do not go away.

St Lawrence Cement, using its numbers, will put four tonnes of lead into the atmosphere a year. This is not pollution that is going away; this is pollution that is directly entering the air we are breathing and the water we are drinking. We do not see it but it is there.

We have been involved with St Lawrence Cement since before it started considering its refuse-derived fuel proposal, because quite periodically we find our cars and our houses covered with a white layer of dust, which is called a particular problem. The Ministry of the Environment has worked very closely with St Lawrence Cement and for eight years St Lawrence Cement has promised to clean up the problem. It finally got so bad that a year ago the Ministry of the Environment issued a work order telling them to put in a baghouse. I understand that when Charlie Coles was here he was asked about it. He said, "No, the work order is not there." Their reason is because they have now taken it to court, which effectively delays it even further.

Here we have a company that for 10 years has ignored what even back then was pollution, under weaker standards than we have now today. Their intentions have been good. They have had lots of engineers come in, but they have been afraid to put the big bucks into it and now they are saying: "That's some separate problem. We want to burn your garbage." As nice as they are and as cooperative—they have taken us through their plants and so forth—the fact of the matter is that they are still polluting the area. I find it



very difficult to see that we can consider burning garbage there, although there are technical reasons. I guess that covers our experience. Out of all this we decided to do something about it, and Roger will describe that now.

**Dr Mailhot:** We wanted to be positive in our action and not just to be a group protesting and protesting and we said we would do something about it. In Oakville they instituted the blue box program in 1988. At that time the region had estimated that it would derive something like 12% to 15% of the total domestic garbage. But in our area in Oakville and the ratepayers' area people are pretty compulsive, it seems, therefore the compliance was very high. Believe me or not, after one year we were diverting 25% of the total domestic garbage. It was far beyond the expectation. This number corresponds to what at that time the region had planned to achieve by the end of the century.

We were very encouraged by the results and therefore we started meetings with the Halton regional staff, regional politicians, our past MPP Mr Doug Carrothers, the deputy minister of the Ministry of the Environment, Mr Gary Posen, his director of waste management, Hardy Wong. The representative of the ministry was very helpful, I must mention. Our objective was to convince these people to run a pilot project in Halton region to show that 50% diversion is achievable and to identify means for the implementation of such a project.

After two years of efforts and the collaboration of all the people I have mentioned above the project started last July, thanks to the financial support of the regional and the provincial government. The project consisted of asking 600 residents of the Joshua Creek area of Oakville to separate their garbage in a three-way stream. All their yard and kitchen waste is assembled in clear plastic bags and is composted at the central composting centre. All the remaining garbage is put in a super wheeled blue box. That is what we call the super blue box. We brought you an example of the super blue box. It is a very convenient box on wheels. In this the region was very specific. Essentially you have everything that you have in a regular blue box plus additional plastic. There was a very specific list of what we had to put in it. The third one was all that was not going into composting and was not going in this blue box.

Let me give you the results of that. I checked again yesterday. The results after three months were absolutely fantastic. Yesterday I checked the results with the director of waste management from Halton and here is what he told me. At the present time, from July to December, with this system we have diverted 55% of the total domestic garbage from the general waste stream. This does not take into account backyard composting which is taking place in our area. I would suggest that we are diverting altogether probably 60%.

Let me read something from the director of waste management on this as a matter of fact. He sent this letter to the participants. John Mackay said:

"After only a few short months, super blue and the yard-kitchen waste recycling program are diverting over 50% of the total. This is an impressive number. As many of you know, the provincial government's target is 50% by the year 2000, and you are already there. Your dry materi-

als are finding their way to market, and the yard waste compost early test results show a good-quality compost measured by our environmental standards. Joshua Creek residents, you guys are terrific."

I think that is a great achievement, and I think in 1991-92 we were where we should normally be in the year 2000. In my mind this project is in the process of demonstrating that the objective of the provincial government to recycle 50% of the garbage without incineration is achievable.

Let me now pass to the fourth portion here. I would like to suggest to you, based on our experience, the conditions I think should be met before incineration can be considered. First, I think it should not be permitted before the implementation of a comprehensive, mandatory domestic-industrial recycling program with a minimum of 60% recovery. We know now from our experience that it is achievable. As George said, if you institute incineration before recycling it works against recycling. The Ford company is a typical example.

The next point is that empirical data must demonstrate that burning is safer than any other alternative method of disposal of the remaining garbage. I am talking about empirical data, not theoretical data, as has been suggested by St Lawrence Cement. It is all calculated and it is not empirical data. They never ran an experiment to show us empirical data, so it should not be done. There are good methodologies at the present time to establish the relative safety of some of these measures.

Finally, I think we should define restricted incineration. If we are going to move in incineration, we should define what we are going to burn based on that information obtained in the empirical data and it should be granted only to companies with a clean environmental record. On this basis St Lawrence Cement is not qualifying, because in the last 10 years it has a real bad record, at least in environmental pollution.

In summary, we tried to share with you some of our experiences with incineration issues in the last 10 years in Halton and Oakville. I was certainly very pleased to share with you the fantastic results we have obtained with our comprehensive recycling program, which incidentally will continue until next July, for one year. We hope that at least the three principles or conditions we have enunciated here can be of some help to the members of this committee to make their decision.

**The Chair:** Thank you very much for your presentation before the committee today. We appreciate your coming, and if there is additional information you would like to share with us, you can continue to communicate with us in writing.

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#### PUBLIC COMMITTEE FOR SAFE SEWAGE TREATMENT IN METROPOLITAN TORONTO

**The Chair:** I would like to call next Karey Shinn. Please come forward. You have 20 minutes for your presentation. We ask if you would leave a few minutes at the end for questions from committee members. Please have a seat at the microphone and would you begin your presentation now.

**Ms Shinn:** My name is Karey Shinn and I am a co-chair of a citizens' group known as the Public Committee for Safe Sewage Treatment in Metropolitan Toronto. I am also a member of the public consulting committee, as a member of the public, as it were, that was formed to participate in the full individual environmental assessment of the Ashbridges Bay sewage treatment plant, notably the largest sewage treatment plant in Canada. This engineered mechanism chlorinates up to 180 million imperial gallons of water a day and possesses a certificate of approval that dates back to 1949 to incinerate up to 106,873 tonnes per year, or 102 tonnes per day or 12 tonnes an hour, every hour of every day of every year. This will not stop. We do not get a limit, as a landfill does.

Environment Canada has measured 34 inorganic pollutants detected in combined bottom ash and fly ash, including many toxins such as lead and chromium. There are 13 measured chlorinated organics or cancer-causing compounds found in the stack emissions at the plant. Previous to the 20,000 tonnes of sludge now being piped to the Ashbridges Bay plant from the Humber plant to be incinerated, a study by Mr Pickett in 1986 recorded between 40,000 and 53,000 kilograms of particulates in stack emissions, including arsenic, lead, mercury, chromium and cadmium. These are being regularly dumped on the community.

We support the part of the act that effectively eliminates the incineration of waste materials in section 14. We support the ban on incineration of solid waste. We understand the debate about incineration is over and that it is a responsible decision that has been made by the Ministry of the Environment, especially now. We felt that when the Commissioner Street incinerator was shut down, it was only after that time that serious blue box and recycling alternatives were really evaluated.

Certain things are not open to negotiation, especially the fundamentals of physics that demonstrate the principles of matter and the conservation of mass. It does not go away when you burn it. It is with this understanding that our committee requests that the Ministry of the Environment really ban the incineration of solid waste and include the incineration of sewage sludge. This is such a high percentage of biological matter which in most other jurisdictions is composted, and it is being burned, as I speak, at five tonnes an hour from the Metro Ashbridges Bay plant.

I also point out that until the solids in the sewage process are included in this act, no landfill will really be free from hazardous waste. This is because for some strange reason that we do not understand, sewage sludge is exempt from regulation 309, as it applies to the land, and not 308, as it applies to the air. However, curiously enough, the better the emissions control on the stack, the more we have the toxins in the ash, and the ash is not subject to the regulation.

I understand today that this ash would meet the regulations. However, because things are not tested, or it is not an obligation that they are tested, I do not think that is good enough. Why? Without these regulations affecting this solid waste, we are left in the unfortunate position

where all the solids that are screened out of the system before they are treated are put in landfill, and there are thousands of tonnes of them. They are taken away to Brock West or Keele Valley or wherever.

Let us consider what we are doing.

First, I will say that sewage sludge, once dewatered, is solid waste. It is also potentially hazardous waste. Responsibility must be taken for this solid waste.

The Metro Toronto solid waste environmental assessment plan, SWEAP, document 7.2 demonstrates the problem when sewage sludge management is not included. Here is a document that purports to be a comprehensive waste strategy but which is not. For instance, it ignores the continued use of in-sink garbage disposals, whereby compostable food wastes are instead being juiced up, washed down the drain and added to the overnitrification of Lake Ontario or taken out in screenings and sent to landfill.

Metro states that it has no obligation for the disposal of liquid industrial waste and industrial hazardous waste, yet residential hazardous waste is managed by Metro through the operation of 10 household hazardous waste depots and an on-call collection service called toxic taxi. The household hazardous wastes are collected from Metro depots by private waste management firms and managed at approved hazardous waste facilities.

They have no obligation, which presumably made it okay for the Metro works department to collect over \$6 million in 1990 alone through its model sewer use bylaw 143-83 that allows the ICI sector, the industrial, commercial and institutional sector, waste generators to knowingly dump a long list of toxins, starting with A for aluminum to Z for zinc, into the public sewer. Here in Metro we are fortunate in that most of the excess sewer strength that is being paid for by this bylaw is actually food processing waste, which is basically biological in nature. Again this is highly compostable.

Do not misunderstand our position. Polluters should be made to pay, but the province has not addressed the treatment of these wastes. Many toxins are on that list. Photofinishing companies, fine arts colleges, everybody is dumping chemicals down the sink, at home as well.

Some empty containers require specialized transport and disposal, but the SWEAP study has failed to identify sewers and sewage treatment plants as hazardous waste disposal sites for the contents of many of these identified hazardous waste containers, which are after all the products that required the labels. These substances and resulting wastes, usually chemical, are routinely put down the drains. Included are paints, cleaners, medications etc.

Surely this is having a serious impact on treatment, neither designed for nor obliged to handle toxic public and ICI sector wastes as suspended solids, especially considering the huge volumes of purely biological waste that these toxins contaminate, and the residential communities which have become the unwitting hosts to this burgeoning business of incinerating tens of thousands of tonnes of this chemically laden sludge, to say nothing of the carcinogens being created when tonnes of liquid chlorine are added to this mess in the name of disinfection. I question the chlorinated toilet paper here which is added to it and burned.



There has never been a public inquiry into the incineration of our chemically laced sludges in Metro—and it does not look like it is going to be included in SWEAP—nor a credible evaluation of the health risk to the community. Both these points were noted in the city of Toronto Department of Public Health document called the Environmental Health Effects of Waste Incineration in the City of Toronto, 1987, by A. S. Macpherson, MD, MSC, medical officer of health.

What we are looking at is a certificate of approval on the Ashbridges Bay stack from 1949 that will allow the Ashbridges Bay treatment plant to double the amount of sewage sludge being burned today as of right, and this is wrong. They did have a renewal, but it was over 10 years ago and it was never looked at. Here I find it appropriate to repeat something said by John Jackson from Great Lakes United in your first week of hearings when he cited the Uniroyal Tire plant certificate. There exists today no legal mechanism to re-evaluate these old certificates. The public is locked out of this process and never was introduced in the first place. The certificate of approval for the Ashbridges Bay plant was originally given at a time in history when no one could have foreseen what a degraded state the environment would be in today, in 1992, and this certificate was so excessive as to still be up to only half its capacity.

It is my understanding that the health risk assessments frequently used consist of tests on animals and findings from mortality statistics. This means no one in this room would have been assessed for health impacts, as we are not given the status of test animals, nor are we dead yet. These old certificates are meaningless pieces of paper that are affecting the quality of public health. There must be a new evaluation method developed for these certificates and a direct route into any certificate that is not being renewed or has not been reviewed for a period of five or 10 years. I use five years as an example, as I understand there is a method of evaluating emissions by studying various plants and soils in the fallout area over this period.

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Our committee will suggest that the Ministry of Health be given a veto power over the renewal of these old certificates of approval, and through the public interest be given the authority to enter into any existing certificate of approval for the purpose of reducing health risk to any host community.

This process may have the desirable effect of re-evaluating regulatory requirements under both regulation 308 and regulation 309. It also fits into a proactive health care practice that would eventually save the public from health costs. I have spoken to several doctors in our area and they are just bewildered because they are working very hard with many cases of asthma and other sorts of pollution-related disease. They find themselves telling their patients they should leave the neighbourhood. They would really like the government to do something to help them. They have been feeling that this should be done at some level so they can carry on with healthy people.

At present, Metropolitan Toronto is pocketing tipping fees and the provincial Ministry of Health pays for impacts on the public. The Ministry of Health cannot prevent

crushing health costs without any way to make polluters accountable.

Here I will also note that the health of the community is not necessarily part of an environmental assessment. We have been told in no uncertain terms that Metro has no obligation to carry out any kind of community health assessment. The only health assessed is that of workers on the plant site. Given that the stack at the sewage plant is 600 feet tall, it is likely that the community is on the receiving end of the emissions as much as, if not more than, the plant workers. Perhaps a shorter stack would make Metro realize the problem.

The Environmental Protection Agency is carrying out what it refers to as a "health risk assessment," at our begging for years, because of the health concerns we have in the Riverdale wards. This health risk assessment is based on mathematical models and not on real people who live in the community. For instance, if 50 people on one street are dead and 50 people on another street are alive, they will make an assumption on mathematical terms that 50% of the people are okay. That does not tell us why these other people are very ill or dead. It has been widely criticized as an inadequate baseline assessment. What we are looking for are limits on emissions that are allowed in any given industrial area, with all weather conditions and other nearby pollutants included. I certainly question the wisdom of placing these numerous stacks in the Riverdale area, near the lake, where the breeze is always off the lake on to the city.

One example of the double loading into the air over the residential communities north of the industrial port lands is the nitrogen oxides given off from multiple stacks in the area when they combine with the tonnes of hydrocarbons off the Gardiner Expressway. This is really fun because we are told we have even more ultraviolet radiation this year. We have exactly all the right elements coming together with exactly the right weather conditions to make a lot of urban smog, so we can expect a lot more respiratory problems. These emissions are baked in ultraviolet radiation and form ozone. This is obviously a health problem.

Section 18 of Bill 143 has begun to address certificates of approval, and we appreciate an initiative that could be used for the public interest without the burden of an Environmental Assessment Board hearing. We do not understand how any environmental assessment can be carried out as if the site existed on a different continent far away from, in our case, 18 or so other stacks in the same area.

I also have a problem with the chlorine tanker car at the Ashbridges Bay site because the Hearn generator, which they tell us will not start up tomorrow but will probably start up at some time, is within evacuation distance of the tank.

We understand that the municipal-industrial strategy for abatement, MISA, is going to address source controls of toxics entering the sewer system. This will work if it is not diluted by industrial, commercial and institutional sector sewer users and does not come too late to be considered with sludge management alternatives. As long as it is toxic, everybody wants to flush and forget, burn it and pretend it is going to go away somewhere.

The Canadian Standards Association, CSA, should include chemical waste in liquid suspension in its national standards for auditing wastes on premises if it is an onsite-produced waste.

Both the Ashbridges Bay sewage treatment plant and the Highland Creek plant incinerate solid waste and have never been evaluated as waste disposal sites. Some 30,000 people enjoy the Beaches park right next to the Ashbridges Bay site and it is very close to the residential community. Sewage plants would certainly be described by the meaning for waste disposal site in section 24 of Bill 143.

In reference to section 74 of the Environmental Protection Act regarding litter, packaging, containers, disposable products and products that pose waste management problems, in clauses 74(b) through (f), as set out in section 28 of Bill 143, we would request the word "flushable" also be used to describe products. This will prevent landfilling through the sewer.

A major problem for us is the proliferation of government. I now wish to say a few words in regard to the creation of this Interim Waste Authority. Here we have a problem. Which is interim, the authority or the waste? Whatever the meaning, please do not give the beleaguered public any more bureaucracy. A growing number of us feel we must begin to shed these bureaucracies beginning with Metro, and I will give you some reasons why.

One level of government must take responsibility for certain decisions in specific areas. Let me use the example of waste management. The province must have the authority in this area. Why? Because it is at the provincial level that ministries exist to research and set regulations and standards. There must be some type of public forum which involves all the parties in the Ministry of the Environment so that we can deal with this once. It is then simply the job of the municipalities to do the works under the set criteria, legislation and regulations. In this context, it is more acceptable to design Bill 143 as a Waste Management Act for the province in some way—I am not saying Bill 143 is great, but we want a Waste Management Act that applies provincially—and not create differences throughout the province. If you have good waste criteria and legislation, you can privatize, you can have municipalities take responsibility, because there are clear sets of defined regulations and values and a way for the public to get to them once.

There is no benefit to the public in the present system that allows teams of consultants to be hired by many levels of government for the expensive exercise of debating or negotiating one level of government against another level of government. The common factor in all levels of government is the public. Surely the only negotiations of value must take place between the public and the decision-makers. Individuals have the right to argue and present the public interest, not bureaucracies fighting among themselves.

Regions and Metro simply become the equivalent of new ministries, competing with provincial authority—I would include the GTA there—and it is the province that can create or disband these ministries. The real power to govern comes from the provincial government. The municipi-

palities are allowed to exist by virtue of this higher authority. You have the authority to stop them too.

There is no need for Metro council. They are mistakenly being funded as representing the public just because they are directly elected. I find it very interesting because I think they have quite outlived their usefulness for us. We find it very difficult to understand how when we elect these people—and what was proven in the municipal elections was that they are very unknown people. People did not know who their Metro councillors were. It is so confused that on a city level, we elect a mayor who is running on crime principles. They think the police are run by the Toronto city government. It does not make any sense to the public and it is pretty obvious to us that it is becoming very confused and expensive.

We are the individuals who live in the communities that will be directly affected by these decisions and are prepared to do what most elected politicians cannot do once they are in office, that is, work within the communities to effect real change, like the two men who were here just before us. They have a pilot project up with 600 houses. That is the kind of public interest we need more of, to prove we can do these things.

We are the people who need the consultants, not the Metro works department. We are the people who live under the stacks and near the landfills. If there is one phenomenal aspect these hearings have demonstrated, it is that the public who have presented to you here are better informed than many elected councillors in Metro or at the city level. We find we elect one councillor and then we have teams of them making votes that affect our community. We cannot reach these people. For that, I think the city government works at a much better level for us, although I still have a problem with some of that. Metro is just getting a little bit difficult for us.

We are obviously committed to achieving a conservator society. Please fund the interested people. Give us one level of government with clear areas of decision-making so we are not worn out and dragged through as many as 17 different bureaucracies and agencies, all demanding public participation on their timetables at our expense, and only to end up in a council vote. It just does not work. I am sorry; it does not work.

It has always been a curiosity to me that politicians are often left to evaluate projects, local politicians who have no education standards set for their office, no education in specialized fields such as environmental engineering, and who are susceptible to lobbyists and private interests. It would make far more sense to fund the people early in the environmental assessment and then have the councillors respond to the wishes of the people. We could deal directly with a changed Ministry of the Environment. It is our tax dollars that are at stake at all these levels of government, and we are being systematically starved out of what should be our forum in the process.

I have at least one comment to make with regard to risk. We must resolve the problem of megaprojects, which always present a huge risk in what will always be in someone's local community. The reasoning that argues the greatest good for the greatest number of people can backfire.



Over time there will be high risks in all our communities. Why can we not begin to plan and avoid creating these high risks?

We have an interesting case of the Darling rendering plant, of which the Toronto harbour commissioner said, "It's gone." It is now taken over by the city of Toronto. They say, "It's back." They have a 10-day reprieve and they are going to chlorinate the odours for us. They are going to make them go away by chlorinating them. They have taken a bad smell and are now making it toxic. It is not good enough. They have to go. For some reason, there is this strange process that happens when one government takes over another government's authority, and it is just not working for the public. We have been through this exercise once.

I do not really like the Nintendo attitude I find among the people who want to burn everything either. You can always score high points in these games, but you will never win. You are going to be dead. So I am very much pleased to see there is a ban on incineration. I would like to see it applied to all the solid waste, including the sewage sludge, and I am sure it will save us at least \$4 million in hydroelectricity alone.

I am sorry I have gone for so long.

**The Chair:** Thank you very much for your presentation. All members have received a copy of your written brief, and we appreciate your coming before the committee today.

The standing committee on social development stands adjourned until 2 o'clock this afternoon.

The committee recessed at 1204.

## AFTERNOON SITTING

The committee resumed at 1404.

## MUSKOKA DELEGATION

**The Chair:** The standing committee on social development is now in session. I would like to call our first presentation, the Muskoka delegation. Please come forward, take seats at the microphone and you have 20 minutes for your presentation. We would appreciate it if you would leave some time for questions.

**Mr Clark:** My name is Bill Clark and I am past president of the Muskoka Lakes Association. I am here in support of the speaker, Mr Bill Rogers, the mayor of the township of Muskoka Lakes.

**Mr Rogers:** As mayor of the township of Muskoka Lakes in the district municipality of Muskoka, I appreciate this opportunity to express on behalf of our ratepayers my comments on the proposed Bill 143, the Waste Management Act. As Muskoka is outside the greater Toronto area, I will not be commenting on parts I, II and III but will deal directly with part IV, which will have an impact not only on my municipality but on the whole of the district of Muskoka.

First, ladies and gentlemen, I must ask the question, is this legislation appropriate? Ratepayers who speak to me every day indicate their frustration with more proposed legislation, more hearings and more bureaucracy when it appears that the legislation presently in place is already unwieldy. I am sure it is everyone's wish to find an environmentally sound method of handling waste within reasonable economic limits. The passing of more legislation and regulations does not answer the basic question of what to do with waste so the natural environment is not adversely affected. In my opinion, Bill 143 does not answer this question.

I could go on at some length over the amount of money spent in creating legislation, regulations and processes that do not solve the real environmental problems associated with waste disposal. Over the past number of years, there have been millions of dollars spent on waste management master plans, with no real solution being prescribed for the problems Ontario faces today. I believe the money could have better been spent resolving our real environmental problems on a site-specific basis and in fine-tuning present regulations for waste disposal. This would direct the expenditure of taxpayers' money to the development of environment-friendly facilities, rather than the production of more studies and more master plans.

I was pleased to read that the minister, Mrs Grier, has agreed to amend section 26 of the bill so that the minister will retain the responsibility of requiring a municipality to take actions on waste. Down-delegating authority to appointed staff has always caused me concern. I am, however, still concerned over the wording suggested in subsection 29(1) of the Environmental Assessment Act, changing the word "director" to "minister," "If the minister considers it advisable in the public interest." It concerns me that there need not be a defined public interest to permit an

order to be issued, but merely a sense that the minister considers it advisable in the public interest.

This kind of legislation can lead, in my view, to the type of situation that transpired recently in McDougall township in the district of Parry Sound. The landfill site in that township was owned and operated by private enterprise. When a leachate problem was discovered and the owner was not in a position to meet the requirements of the Ministry of the Environment, the minister ordered the municipality to assume operation of the site and to resolve the problem. The McDougall situation affected six municipalities, including our own, none of whom were consulted prior to the issuance of the minister's order.

The impression one is given reading subsection 29(1) is twofold. First, one senses that the big, bad municipality is doing things all wrong, does not care about waste disposal and the minister will save the public from its ineptitude. I would prefer to see the section indicate that consultation between the minister and the municipality will take place in an effort to arrive at a solution to a particular problem. Second, subsection 29(1) seemingly can be liberally used in situations such as the McDougall situation to force municipalities to solve problems that are not rightly their own. If there is indeed a provincial interest in forcing a municipality to step in, surely the costs of the municipality's efforts should be paid for by the province. Thus there should be some guarantee of funding if a municipality is forced to act to solve a third-party problem under this section.

## 1410

It is a well-known policy of the Ministry of the Environment to encourage two or more municipalities to find solutions to waste management problems on a cooperative basis. It is also ministry policy that each area or region should take responsibility for managing its waste within its own geographic boundaries.

On a collective basis, the area municipalities within the district municipality of Muskoka have sufficient resources to meet their waste disposal requirements for at least 10 years. Those municipalities in which the disposal facilities are located have shown their willingness to share these resources with the rest of Muskoka. However, they are prevented from doing so because their service areas are confined to the limits of the area municipalities concerned. In order to change these limits, approval is required under the Environmental Assessment Act, the Environmental Protection Act, and for all I know, a plethora of other acts. Quite frankly, if it were not so serious a matter, a casual observer might consider these barriers to the implementation of ministerial policies to be somewhat amusing.

If you get the impression that I am rambling without making concrete suggestions as to how to improve the proposed legislation, it is because my council and I have spent many years and so much money trying to arrive at a solution to the whole waste disposal problem and we are completely frustrated. Are we really gaining here or are we just spinning our wheels? If we must have more legislation,



then let it be designed to help us cut through the existing red tape and not to create more.

In closing, I would like to make a couple of suggestions or points here. First, the provincial government should use its legislative authority to facilitate solutions to waste management problems throughout Ontario and not just in the greater Toronto area. In particular, we in Muskoka need authority to expand the service area boundaries of the existing disposal facilities to include the entire district municipality. We need this authority now and we need it so that we can apply our scarce resources to the protection of the environment and not to an endless round of studies and hearings.

Second, the provincial government should move as expeditiously as possible to create firm markets for recyclable products, and where such markets cannot be developed, to establish a system of refundable deposits for containers of consumer products.

**Mr Clark:** I just might add that I am past president of the Muskoka Lakes Association, which is—it may be a surprise to some of you—the largest ratepayers' group in North America, as far as it has been able to find out. It represents well over half the residents of the Muskoka region and a far greater percentage of the residents of the township of Muskoka Lakes.

The only thing about which I think our association would differ from the presentation that has come forth from the township is that we support the district waste management master plan, but we support that the service areas should be amended by the district without the necessity of going through an environmental assessment.

I have a cottage that is in Gravenhurst, but from my dock, with a good five iron, going northwest I hit the island opposite me that is in his township, and if I turn right and get a good one wood I hit my in-law's island, which is in Bracebridge, and their garbage is not any different. I have lots of capacity for garbage in my jurisdiction in Gravenhurst. It is a long-distance call to both of those islands in different phone areas, and we are tired of these quirks of history being maintained, first in regard to telephones—I am not here to talk about telephones—but also in regard to garbage. We treat Muskoka as one region and we think our garbage should be treated as one, because we pay our taxes on a common basis. We think the district should have the right to manage the waste disposal in the entire region and to have access to all the sites that are available without the environmental assessment.

**Mrs Mathysen:** Thank you for coming and presenting this brief. You have some very interesting ideas and we will be looking at them closely. My question is in regard to your concern about markets for recyclable products. Do you have a recycling program in your municipality, and what problems, if you have this program, have you experienced regarding marketing the materials you have collected?

**Mr Rogers:** We have an organization of four of the municipalities within the district of Muskoka: Bracebridge, Huntsville, Gravenhurst and ourselves, the township of Muskoka Lakes. It is called the Muskoka Recycling Asso-

ciation. We recycle all plastics, cans, bottles. We have facilities for cardboard and we have a central plant in Bracebridge that is managed and operated by Muskoka Containerized Service on our behalf.

There is a great difficulty and great fluctuation, particularly in the plastics. At the present time we have a great stockpile of plastics for disposal. The problem I see is with these beverage containers, the recyclable ones. The use of recyclable beverage containers has gone up, I believe, 37% in the last three years over returnable and refundable bottles. There has to be some legislation to force more refundables to be used again, rather than subsidizing the pop companies in recycling.

**Mrs Marland:** I was just going to tell Mayor Rogers that last night I asked the executive director of the Recycling Council of Ontario about having a refundable incentive on recyclable soft drink containers. You are talking about consumer products generally, which would be even more encouraging.

**Mr Rogers:** Liquor bottles.

**Mrs Marland:** Yes, anything.

**Mr Rogers:** Yes.

**Mrs Marland:** He agreed with me that as long as the amount was realistic it was an incentive and worked. I must admit I did not realize the management of waste was not a district responsibility in Muskoka. If anybody should have known that, I should. It seems that just for the economies of operation, let alone the practical aspect you have brought very well to this committee this afternoon—but this opens my eyes to understanding that there must be many district municipalities across the province that have the same limitations you have been working under. It just does not make any kind of sense. Why do we have regional school boards and put areas together under regional government? Because there are some economies. Obviously that is what you are asking for, is it not?

**Mr Rogers:** Yes. As a matter of fact, a letter came forward from our chairman last year along with a motion requesting that the District Municipality of Muskoka Act be changed so that the district could take over the responsibility of solid waste. That is still sitting down here in somebody's basket and we cannot get action on it.

**Mrs Marland:** Have you had any response at all to that resolution?

**Mr Rogers:** To my knowledge, no.

**Mrs Marland:** That is appalling.

**Mr Sola:** How comfortable are you with the provisions of Bill 143 that give the minister, Ruth Grier, the authority to solve the problem you express in suggestion number one and to solve that by decree whereby, first, she declares an emergency, then she directs your municipality to solve that emergency? She tells you how to solve that emergency and then she shows her generosity by allowing you to pick up the tab.

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**Mr Wiseman:** Are you aware that Initiatives Paper No 2 will be dealing with the very problem you are describing?

**Mr Rogers:** I am sorry. Could you give me that again, please?

**Mr Wiseman:** You are aware of Initiatives Paper No 1, which is on waste reduction. Initiatives Paper No 2 will be on this very issue you are talking about and will be in consultation and formulation stages over the next little while. Are you aware of that? Maybe you have been told.

**Mrs Marland:** How can he be aware of it if it is not even out?

**The Chair:** Mrs Marland, you do not have the floor. Mr Wiseman, you have placed your question. Do you care to respond?

**Mr Clark:** I will answer that on behalf of the association. It is an unfair assumption that we can know what is being formulated behind the scenes.

**The Chair:** Did you want to sum up?

**Mr Rogers:** We are down here because we are very concerned about the issues. We just feel so frustrated because we cannot do anything about it. As municipalities, it is like crying in the wind, and it has been for about 10 years. I have been on council for about 10 years and for about eight of those 10, it has been crying in the wind.

**The Chair:** Do you have a question of the parliamentary assistant, Mrs Marland?

**Mrs Marland:** The question I have of the parliamentary assistant, through to the minister, is since there has been a resolution from the township of Muskoka Lakes and the district—

**Mr Rogers:** A motion by the district; the chairman wrote the letter.

**Mrs Marland:** There has been a resolution from the district municipality of Muskoka to the minister. Could I ask when we can see an answer to that letter and that resolution of that region?

**The Chair:** Your question is noted.

Thank you very much for appearing today. We appreciate it. I would point out to members of the committee that in response to requests from Mr Cousens regarding responses from the ministry to questions, a sheet was distributed today that pointed out the questions that had been responded to.

**Mrs Marland:** On a point of order, Madam Chair: I was going to bring this up since it had been left on our desks today. I just briefly wanted to say that obviously this was a good memorandum to request from Mr Richmond, our research officer. Since there were 42 questions asked and we have only had 16 answers, are we still anticipating getting those answers in good time for consideration before the clause-by-clause consideration of this bill?

**Mr O'Connor:** Thank you for bringing up again the work our researcher has done in gathering up the numbers for us and breaking it down by percentages. As I said before, we are going to endeavour to get all the answers we can as quickly as possible. We have 11 more that will be distributed today. We will try to keep them coming as quickly as they are made available, and then we will get them to the committee as quickly as possible.

#### THE CONSERVER SOCIETY OF BURLINGTON

**The Chair:** I would like to call for our next presentation, the Conserver Society of Burlington. Please come forward and begin your presentation by introducing your delegation. You have 20 minutes for your presentation. If you would leave a few minutes for questions by committee members, we would appreciate that.

**Ms Baar:** Let me begin by introducing the president of the Conserver Society of Burlington, Gordon Askwith. We are both members of the political action committee which developed the brief prior to approval by our membership on February 3. I will not be reading from the brief. I have tried to summarize that material so that there is more time to address issues.

We are a chapter of the Hamilton and District Conserver Society and many of our members were involved in the environmental assessment of Halton's landfill site which will open in November of this year. Our region has exceeded the 1992 waste diversion targets and our members were influential in getting Burlington to be a sustainable development community.

In relation to Bill 143, we support the ban on incineration, since data indicate it reduces the incentive to reduce waste. We support the proposal to provide statutory authority for the Environmental Appeals Board within the legislation. However, we would like the term of office for members to be specified in the legislation. That of course increases the independence of the tribunal.

We believe Bill 143 places too much emphasis on the blue box rather than expanded recycling, too little emphasis on reduction and reuse, and does not facilitate approval of wet/dry systems which have enabled Guelph and east Oakville to rapidly divert more than 50% of the waste stream from landfill. Furthermore, the bill fails to address refillables and deposit systems. You have probably heard quite a bit about that concern. It does not require a 50% reduction in packaging from 1992 levels by 1995. It devotes too little attention to compliance and enforcement and it fails to ban the export of waste or to promote new assumptions that are absolutely critical if you are going to have substantial waste reduction.

We urge opponents of the ban on incineration to address the evidence from Germany and Holland, countries with state-of-the-art incineration technologies. That evidence suggests those incinerators are producing unacceptably high levels of dioxin. The levels are so high that public health officials have recommended restrictions on breast feeding.

At the back of our brief we have summarized Guelph's experience with a pilot wet/dry system that diverted over 60% of the waste stream from landfill. Yet that city has been unable to get the approvals necessary for composting organics so that the wet/dry system can be adopted throughout the city. They applied for that in August of last year.

Bill 143 would exempt garden waste from assessment under the Environmental Protection Act, but other organics would not be exempted. What we are arguing is that all organics should be exempted and more emphasis should be placed on promoting widespread implementation of this



proven methodology for speeding achievement of the province's diversion objectives.

Bill 143 fails to provide for rapid implementation of expanded recycling. The legislation should cover all of the dry waste, for example, that is recovered in Guelph. We have given you, on page 6 of our brief, a list of the materials that are part of the dry waste stream in Guelph.

If reliance is to be placed on recycling or reuse, contingency plans must be in place so that when the markets prove inadequate, a pre-designed strategy can be implemented rapidly. In the absence of such plans, there will be a stop-go approach to waste reduction and targets will not be met consistently. Containers should be refillable and hazardous materials such as paint cans and batteries should be returned to the point of sale. Manufacturers, not municipalities, should be responsible for disposal since that will provide an incentive to reduce toxicity and to increase reuse.

We are concerned that packaging reduction work plans do not specify a required timetable for reduction. There is no incentive structure employed to encourage reduction, and legal control will not be employed to achieve that reduction.

The legislation assumes that an auditing system will provide an adequate incentive to achieve reductions consistently. That is a very fallacious assumption.

The legislation should provide for such things as stickers and then bans on products employing excessive packaging. What I am suggesting is that a hierarchy of incentives is needed and it is missing from the legislation. The ministry has addressed manufacturers only, and in doing so has ignored food outlets where reusable plates, cups and utensils should be required or a sizeable charge required.

A ban on exportive waste is another incentive to reduction that is missing from this legislation.

In summary, we are arguing for a bolder approach than is provided in Bill 143. As well, we want to see more rapid and more certain implementation.

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**Mr McClelland:** Thank you for being broad and long-term in your outlook. I think that is quite frankly where the hope of our society and future society lies in dealing with issues of the environment, and particularly as we discuss waste management.

I want to touch base very quickly and ask you to expand on your comments with respect to the deposit system and recycling versus refillable. There has been some controversy and difficulty. On the one hand, we want to promote recycling. People say the recycling program is in jeopardy. It has been suggested by some that perhaps the failure of the current government to move ahead with the recycling program and to deal with some of the outstanding issues concerning OMMRI is that it is afraid to be seen favouring recycling over reuse. At the same time, however, we have the interesting dichotomy that the current regulations with respect to refillable are not even anywhere close to being enforced despite repeated promises that they would be. I wonder if you could expand somewhat on that

issue and your view of the importance of our moving ahead with recycling as well as reusing and the enforcement of the existing regulations.

**Ms Baar:** In terms of the enforcement of the existing regulations, one of the difficulties that has been encountered is that the courts have not taken the provision seriously. That provided a problem for those trying to prosecute the cases several years ago. The difficulty was that the courts became an ineffective way of providing the incentive for refillables. That means you have to find an alternative way of providing the incentives, if courts are unwilling to take it seriously.

**Mr McClelland:** Could you qualify that for us somewhat? Is it not true that after the initial difficulty there was successful prosecution under the regulations?

**Ms Baar:** Yes, but prosecution does not seem to be the best way of getting that part of the legislation—

**Mr McClelland:** I agree it is not the best, but it is a way; it is a tool that is available.

**Ms Baar:** Yes. I feel Ontario has to move towards administrative penalties in that area. That would improve consistency of enforcement for a piece of legislation of that kind.

In terms of the concern about the success of the blue box, I think you have to see the blue box as part of a larger waste management policy. Once you see a much more expanded blue box program, there will be much less concern about the loss of that program. In Halton, by last August, we had achieved better than 27% waste diversion with just a blue box program. I think the major problem with the blue box program derives from not having a plan in place for when you do not have the markets. The difficulty with the blue box is its dependence on markets that vary a great deal. When you gather a more diversified waste stream through a recycling program, you reduce your dependence on any one source of revenue. That is one of the reasons it is so important to dramatically expand the number of products being handled through your dry waste stream.

**Ms Haeck:** I appreciate your comments. You are obviously a very articulate spokesperson for the environment. On your second-to-last page of the written brief as opposed to the attachments—it is headed up "Failure to Promote New Assumptions"—you make the statement, "The manufacturer is the waste generator and the manufacturer should bear the primary responsibility for waste disposal costs." I am not sure to what extent you have had a chance to follow some of the presentations that have been made to us. There is definitely a fair bit of controversy from the packaging end and even the responsibility end of it. As succinctly as possible, do you support the German green dot system with regard to packaging?

**Ms Baar:** Yes.

**Ms Haeck:** Do you think it would be easily applied beyond those borders?

**Ms Baar:** One of the things we have to understand about German regulation is that they have been able to achieve much better implementation. In Canada and the

United States we always fall down at the implementation stage. I think it is very worthwhile in the regulatory area for us to look at the German experience because that is where they have done best.

**Ms Haeck:** So you are a strong advocate of regulation as opposed to, as some of the deputants would have it, that it should be strictly voluntary?

**Ms Baar:** I know that guidelines only work with highly motivated companies. There is a great deal of research in that area. The big issue becomes what kind of incentive system you are going to use. You can use things other than legal control in order to provide your incentives. Voluntary regulation will only be done by those companies that are highly motivated, and there are very few of those.

**Mr Wiseman:** That was almost the same question I had. You say, in that same section: "We urge adoption of a bolder approach with more rapid and certain implementation. Research has demonstrated that both Canada and the United States are ineffective in implementing regulatory change rapidly." We have heard from a number of groups that have said, "Oh, don't do that. We'll do it voluntarily." It is worth noting again that some companies will do it voluntarily and then there are some that will not even approach doing it. Somehow or other you have to get those companies in line. Regulation seems to be the way, or some kind of legislation or fines. Do you agree with fines? What would you suggest?

**Ms Baar:** Fines can be used. Fines and a sanctioning approach work very well with those companies that are not highly motivated. There is quite a bit of literature to support that kind of thing. You can also take away other kinds of privileges. In many ways, figuring out the kinds of privileges that can be removed is the best way of developing an incentive system for effective regulation.

**Mr Wiseman:** Would one of those systems perhaps be banning the product they had from a landfill site, or whatever is in the waste stream? We had a company here that wants to recycle oil filters. They have said they are meeting resistance in doing this because the companies say that unless it is regulated by the government, they are not going to do it.

**Ms Baar:** Okay. You can use bans for certain things. At an earlier stage we suggested stickers that say "Excessive Packaging" and give consumers information they can use in making their buying decisions. There is a whole series of ways, but my main concern is that there has not been enough attention to what kind of incentives you are going to provide. This is actually legislation that provides guidelines that are not legally enforceable.

**Mr Wiseman:** In New Jersey they have police who go around the streets. They open the garbage and take pictures of the house it is in front of and say, "This house isn't doing its part in the green stream."

**Ms Baar:** Yes, reputation can be used very effectively as an incentive, and that is part of reputation.

**The Chair:** There is a minute left if you would like to sum up or if there is anything further you would like to share with the committee.

**Ms Baar:** I do not think there is anything else.

**The Chair:** For your information, and for anyone who is watching these proceedings, you will receive a copy of the Hansard, the record of your presentation from the clerk once we have it. The full Hansard is at Publications Ontario, which is at 880 Bay. It usually takes a couple of weeks before the Hansard is available from them. I always tell people making presentations, and also any of those people watching the proceedings, that if they want to communicate with the committee they can do so in writing, through our clerk.

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PETER TABUNS

**The Chair:** I would like to call next Peter Tabuns, city councillor. Welcome. You have 20 minutes for your presentation. We ask that you leave a few minutes for questions, if you can.

**Mr Tabuns:** My name is Peter Tabuns. I am city councillor for ward 8 in Toronto. My ward is located on the east side of the Don River and includes a large residential area and the greater part of the port industrial lands. This proximity of residential and industrial has developed a sharp sense of environmental concern in the community. Through joint action we have shut down the Commissioners Street garbage incinerator and blocked the construction of two others. We have not acted alone. Other communities in Ontario have united to oppose incinerators, the proliferation of landfills and the environmental approach those facilities represent.

My community has recognized, however, that NIMBY is not an adequate response to the waste crisis. Consequently there is broad support for programs that will substantially accelerate waste reduction and recycling. In light of all this, I urge you to review Bill 143 as quickly as possible, correct whatever minor imperfections there are and pass it. While it is not perfect, it is the best, most intelligent response to the garbage crisis ever put forward by any provincial government.

A number of criticisms have been levelled at the bill that I believe need to be assessed closely. One suggestion holds that third reading should be delayed until the minister prepares a paper setting out a proposal for material management in the GTA and the respective roles of the different players in the waste management field.

There is no doubt the issue of marketing will be crucial to the success of the recycling efforts set out in the draft legislation. However, there is no reason we cannot, at the same time, proceed with the legislation as is, so that the setting up of the recycling facilities, materials collections systems and waste audits can proceed. There is no reason we cannot continue to search for permanent landfill sites. A call to delay third reading of the bill while this further paper is developed and reviewed is not practical and ignores the time lines we are faced with in this province. It is reminiscent of the approach that was taken in the past, and that led us to the garbage crunch of the late 1980s and early this decade.

Part II of Bill 143 has been criticized for precluding waste management options such as incineration or waste



export. I believe such criticism is ill-founded. No one would seriously suggest that we take our waste to public parks and burn it in large pits. No one would suggest that modern garbage trucks be replaced with pickup trucks. Likewise, the framers of this legislation have precluded options that do not make sense in terms of the larger environment.

Waste incineration generates hazardous waste. It is very expensive and generates far fewer jobs than recycling. In fact, its very success undermines the success of recycling efforts. If you believe the world has infinite resources, then incineration might be seen as sensible, leaving aside the problems of cost, low job creation and toxicity problems. Unfortunately the world does not have infinite resources.

The weakness of the waste export idea is equally apparent. Cheap disposal is fundamentally inimical to recycling, reuse and reduction strategies. The costs of processing waste to extract usable materials make more sense when the real cost of disposal is made more evident. Landfill space located close to the source of waste generation is more expensive space. It is space that has to be conserved.

Waste disposal practices are discouraged by expensive landfill; waste export encourages wasteful practices. Any politician who represents an area outside the GTA should also recognize the threat the untamed river of waste from the Metro area presents to rural areas.

The suggestion that the proposed amendments to the Environmental Protection Act contained in part IV of Bill 143 be deferred is simply a stall. If we are to come to grips with the waste crisis in the first half of this decade, if we are to avoid another brush with crisis, then we need to act now to bring the industrial, commercial and institutional sectors fully into waste reduction and recycling. All else is window dressing. These changes are crucial to setting up an environmentally sound waste management system for the whole province.

The reality of our current garbage crisis makes attempts to stall the bill for partisan reasons a grave mistake, should anyone be interested in such action. Without a comprehensive, mandatory recycling program in place, many people will face the prospect of locating waste incinerators or landfills in their backyards. Those who stand in the way of solutions now will and should be in for a very rough ride.

The requirement of recycling for businesses, institutions and industries will address those sectors of the economy that generate most of the waste in this society. In its recent report on the impact of recycling on job opportunities, the Worldwatch Institute found that there are now 30,000 people engaged in recycling aluminum in the United States. That is twice the number engaged in primary aluminum production. In Vermont, recycling facilities generate 550 to 2,000 jobs—that depends on the kind and size of the facility—for each one million tons of material that they process. For incinerators, on the other hand, the range is 150 to 1,100 jobs, and for landfills, 50 to 360 jobs.

This bill will offer a tremendous economic boost to the recycling industry. Not only will it speed up approvals for

recycling facilities; it will provide the raw materials for those plants.

The intention of this bill—to reduce waste and steer waste materials into recycling plants—will promote job creation and new industry. The city of Toronto's economic development committee supports the idea of accelerated approvals for recycling plants. In addition, the committee may be interested to note that last week the city of Toronto's city services committee heard deputations on our requirement that newspapers sold from vending boxes on Toronto sidewalks contain at least 50% recycled materials. The deputants from the Canadian paper-making industry told us that a large part of the American paper-making industry has already reached the 40% recycling level but few Canadian mills have done so. Canadian paper, increasingly, will have trouble competing in jurisdictions where there are recycled-content rulings. As jurisdictions across North America press for recycled content in paper, and increasingly in other products, I believe, Canadian and Ontario industry will be shut out unless we have access to a secure, stable supply of recovered materials.

In summary, this bill promises to set the stage for real change in the waste management field. It provides the basics necessary to avoid future crises. It will boost economic development and make Ontario industry competitive in the markets of the future. For those of us faced with the task of protecting the natural world around us, the task of protecting the health and economic wellbeing of our citizens and the task of laying the base for a sustainable society, this bill is fully supportable. Do not let yourself be sidetracked by requests for delays.

**Ms Haecck:** Thank you so much for some of your comments. For those of us who represent areas outside the GTA, what you are saying really rings true.

We have had a series of documents given to us today by Notre Development Corp, which is the company that wishes to take the Toronto garbage off to Kirkland Lake. I am not sure if your group has had a chance to review some of the evidence given to this committee. Definitely the number of trains and trucks that are going to have to be involved in moving Toronto garbage to Vaughan and then shipping it north is obviously going to have quite a serious impact on a much larger environment and really is something a lot of us have some great concerns about. Would you care to comment on any of that?

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**Mr Tabuns:** Yes. The idea of waste export, I think, really came forward in a serious way about two years ago. At that time, I was involved with a group in Toronto called It's Not Garbage. We concluded at that time that the plan was environmentally nonsensical, that there would be generation of a huge amount of CO<sub>2</sub> in just transporting the waste from the GTA to wherever its final destination was going to be, when in fact what we needed was to keep the waste close to home, first of all, to provide us with opportunities to recover all the usable materials from it.

I think, and I have said this in my presentation, there is tremendous job potential there, and that is being recognized

in studies, particularly the one done by the Worldwatch Institute.

The other concern is that over the long term we have to reshape the way we deal with goods and materials, and if we think we can chew up northern Ontario, destroy large tracts of it through mining or strip mining, ship the usable products down to the south where they can be enjoyed and then ship all the detritus back, we are making a wasteland of part of the province.

We should be minimizing the extraction from the north, minimizing that environmental damage, and then, when we have that material, not throwing it away but reusing it over and over. If you can export the waste quite cheaply, there is no incentive to conserve, no incentive to try to recover that material. If you keep that material close to home, it is very expensive to dispose of it, and that high price helps with the economics of recycling itself. It is a lot more economical to recycle at, say, \$60 or \$70 a tonne, if it costs you \$150 to \$200 to throw it in a landfill; whereas, if you have cheap waste export, who cares?

**Ms Haec:** Exactly. I most heartily concur.

**Mr McClelland:** I find it an interesting comment on the opening page where you said you urge quick passage of the bill in spite of its minor deficiencies. There are a number of people, sir, who have been before this committee who see the removal of basic, fundamental rights of citizens as more than minor deficiencies. I think you should be aware that the vast majority of opinion, quite frankly, has been that when you begin to deal in a situation where you remove the EPA, remove the EAA, remove the provisions of the Ontario Municipal Board and the Planning Act, legislation that you have a responsibility to fulfil under the terms of your leadership at city council, when you take those out of the hands of the elected people and the citizens of the province, there are somewhat more than minor deficiencies in the bill.

To comment on one of your comments here, that politicians from areas outside the GTA should also recognize the threat of the river of waste that may come from Metro, it is true that they should. They should also recognize the threat of the power reposed in the minister in this bill to override every vestige of local autonomy and local authority and decision-making power. That is evidenced in Bill 143. If anybody kids himself for a minute that it cannot happen in his backyard, he should think of what happened at Keele Valley and think of what happened at Britannia and so forth. It can happen anywhere in the province, and I think people would be naïve to do that.

Just in terms of your partisan comment, I want to ask you if you happen to be a member of any particular party.

**Mr Tabuns:** Oh, yes. I would like to comment on that first and then I would like to respond to your remarks. I am a member of the NDP.

As to your remarks, I feel that in so far as the ability of the minister to act in an emergency is concerned, there is not a substantial change from the powers that existed beforehand, and that is the opinion of the city of Toronto solicitor as well.

I want to point out that the reason we have a crunch at Keele Valley is that this problem has been neglected for decades. We were talking in the mid-1980s in Toronto about the need for heavy duty recycling. It was ignored. No provincial administration in the past has said: "Okay, we have a substantial problem. Let's start making sure we get those materials from the ICI sector and process them so that we are not faced with a choice in the future about setting up our public parks as dumps or implementing lifts at Keele Valley."

I am sympathetic to people who live in that area. I live in an area that has for decades been the dumping ground for Metro Toronto as well and I have talked to people from Vaughan in the past.

**Mr McClelland:** Do you think you would be more sympathetic if the site was in ward 8?

**Mr Tabuns:** In fact, I was at a public meeting recently where I fought to have a recycling plant set up in my ward, and I am working with a group in my ward—

Interjection.

**Mr Tabuns:** Excuse me, Mr Stockwell.

**Mr Stockwell:** Recycling plant for a dump.

**The Chair:** Order, please. You do not have the floor, Mr Stockwell.

**Mr Tabuns:** Manners, please. Anyway, I have also worked with a group in my ward that is promoting the idea of a composting plant.

**Mr McClelland:** We also know that the composting plant you are working towards is a product of your friend Mr Gilbert and is funded by the public sector, as opposed to the private sector.

**Mr Tabuns:** Wait a minute. Just a second here, Mr McClelland.

**Mr Stockwell:** Manners, manners.

**The Chair:** What I would suggest is that you allow Mr McClelland to ask his question and then you can respond.

**Mr Tabuns:** I was just speaking, actually, Madam Chair.

**The Chair:** He has the floor.

**Mr McClelland:** In terms of fairness, an intention of part IV of the bill is to reduce waste and so on; it is not "the" intention of the bill, in terms of your brief. Anybody who read the bill would be hard-pressed to say the intention of the bill was in terms of reduction of the waste stream. It is "an" intention; it is perhaps a significant intention of one part of the bill, part IV. I think it is important to keep that in mind and keep that in perspective. Many people who are rigorously opposed to Bill 143 have also said they applaud the sentiment behind part IV. They just think it arrives at it in a terribly wrong way, and quite frankly, a very dangerous route of trying to arrive at a laudable goal. Certainly the methodology of getting there would be called into question by many people.

**Mr Tabuns:** I just find the accusation about a composting plant odd and strange. I have never talked with Mr Gilbert about it. He has always been a proponent of incineration. I have always disagreed with him on the matter.



The idea came from a citizens' group that I was involved with at the time, not from Metro.

**Mr McClelland:** We will hear from them later.

**Mr Stockwell:** Give me an example. You said you can recycle at \$60 or \$70 a tonne. Can you tell me where?

**Mr Tabuns:** No. I am sorry, I should not have used that figure. I just pulled that out of the air as a comparison between recycling cost and disposal cost.

**Mr Stockwell:** When you say you are discussing with your constituents opening a recycling plant in your ward, do you think that is a fair comparison when we are comparing the expansion of the largest dump in Canada in Keele Valley?

**Mr Tabuns:** No, I do not. I am just saying the citizens in my ward recognize that they cannot just say someone else takes the waste, that they are willing to support waste reduction/waste recycling facilities. I will tell you that since we live near such a large industrial area, since there has been so many difficulties with Metro in the past, there is some concern about Metro and its operations in any event, but people are still willing to say, "Well, the waste has to go somewhere and we are willing to put up with the truck traffic, the potential noise and so on," so that the waste is dealt with in an environmentally sound way rather than in an unsound way.

**Mr Stockwell:** What is the unsound way?

**Mr Tabuns:** Incineration.

**Mr Stockwell:** There were many other methods that were being looked at prior to the minister's pulling every site off the table. There were lots of ideas about disposing of the garbage. It just so happens she pulled all the sites off the table and told us there was not going to be a garbage gap or crisis, which precipitated this piece of legislation. Then all of a sudden, a year later, she decided, "Oh, I've made a huge mistake; there is a garbage gap." Now she is expanding Keele Valley and Britannia and she has held these people up with no environmental hearings and just expanded them.

Do you think that is fair and reasonable? Do you think this legislation is fair and reasonable, trampling over all the acts, including the Planning Act? I never thought I would hear an NDP member anywhere say, "Yes, we should trample over the Planning Act to approve legislation like this." Do you think that is a fair and reasonable approach?

**Mr Tabuns:** First of all, I do not remember the minister saying there was not going to be a garbage crisis.

**Mr Stockwell:** She did.

**Mr Tabuns:** My recollection is different. I would be happy to look through the record, and if I am wrong, I will apologize.

**The Chair:** I think it is important just to clarify this. It is on the record as a statement that was made by the minister in the House. It is available in Hansard for you.

**Mr Tabuns:** Okay, then I apologize.

I understood from talking to people in the Whitevale area, at the very least, that the selection of that site was

profoundly flawed. I had no difficulty with that being pulled off the list. I did not examine every other site. I understood certainly from pronouncements at Metro towards the end of the 1980s and the beginning of this decade that there was a severe garbage crisis. I do not think that has eased. I do not know exactly what the final figures will be on what Keele Valley will hold, but if in fact we are in a garbage gap crisis, it makes more sense to me to expand Keele Valley than to rip up new farm land without a proper examination of whether those sites are environmentally acceptable.

**Mr Stockwell:** You are in fact saying you support expansion of Keele Valley and Britannia without so much as one second of environmental public hearing. Do you think that is an acceptable approach to use in dealing with the waste crisis in this province? Is that acceptable by your standards?

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**Mr Tabuns:** I would want to hear from the minister whether the option in this instance was dumping the material in parks in the middle of urban centres. If that was not the alternative, then I would think there should be hearings. I am sure there will be people from environmental groups speaking on that matter.

**The Chair:** Thank you very much for your presentation before the committee today. We appreciate your coming.

#### CITIZENS FOR A SAFE ENVIRONMENT

**The Chair:** I would like to call next Citizens for a Safe Environment. Please come forward and introduce yourself to the committee. You have 20 minutes for your presentation. We appreciate your coming today.

**Ms Suttle:** My name is Aine Suttle and I am with Citizens for a Safe Environment. Thank you for allowing me this time to present the views of Citizens for a Safe Environment on this proposed bill.

The major points we would like to make are:

1. Incineration of garbage is an outdated, environmentally damaging technology and the present government took a courageous step in banning it, which we absolutely support.

2. The environmental assessment process is very important. However, while it may seem to be a good way for citizens to have input into the process of planning and approving projects, it can actually at times become a form of abuse that does not necessarily protect citizens. It can keep them running in circles attending meetings. If you load enough EAs on a community, it cannot keep up with them all and some of the projects are bound to get through whether they are good, bad or indifferent. EAs can also be divided up into small pieces so that people have to attend so many meetings to get the complete picture that they are likely to lose because they have let some small part slip through.

3. Citizens are ready to be part of the solution. They need honest leadership and the resources to develop appropriate solutions to the garbage crisis in their own neighbourhoods.

Our group was formed in 1983 to oppose the incineration of garbage in the south Riverdale area of the city of Toronto. At the time we already had a plus-30-year-old garbage incinerator puffing pollution over our neighbourhood. We then found ourselves facing proposals to build two more incinerators within two kilometres of the existing one, plus we still have the Ashbridges Bay sewage incinerator polluting our gardens, beaches and Lake Ontario. As you can imagine, we are no fans of incinerators and actually find this idea of including incineration as part of the overall plan to deal with our wastes absolutely ludicrous.

You probably would have called us a NIMBY group when we set out. We certainly did not want more incinerators, but it was not based on prejudice. Originally we were just horrified that anybody, never mind our city government, would even consider bringing more pollution into the neighbourhood which had been assaulted with lead by Canada Metal for so many years. We had seen our children damaged by lead and it did not take too much intelligence to figure out that more smokestacks were not going to improve our health. South Riverdale has a 24% greater mortality rate than other areas in Metro.

We were assured these incinerators were state of the art, the best available, no pollution. Can you believe it? I have since heard that very line used over and over. You stand under a stack, watch the smoke coming out and listen to incinerator proponents assuring people there is no pollution in the smoke. They must think the general public is brain-dead.

The TSI Trintek no-pollution incinerator would have produced daily: 178 kilograms of carbon monoxide, 394 kilograms of sulphur dioxide, 300 kilograms of hydrogen chloride, 178 kilograms of nitrogen dioxide, 69 kilograms of particulates, 4 kilograms of hydrogen fluoride, 56 grams of arsenic, 16.5 grams of chromium, 27.2 grams of mercury, 455 grams of zinc, 26.5 grams of cadmium, 306.7 grams of lead, 12.9 grams of nickel, 7 grams of PCBs and 94 grams of dioxins. No pollution.

The city of Toronto's proposal to build another garbage incinerator included a table which showed how the air would not really be much worse as a result of a few more incinerators. For example, lead would only be increased 106% per year, a mere 1,427 kilograms; this in a neighbourhood that had a smattering of knowledge about lead. They must have thought we were all so damaged we could not read.

I am sure when the Commissioners Street incinerator was built it was state of the art too, but by the time it was closed down it had been found to have the highest readings of dioxin of any fly ash tested in the world. That is what world class means to us in our neighbourhood. It met all Ministry of the Environment standards etc. Remember that the ash was being landfilled, so not only our neighbourhood was being affected but whichever landfill accepted it now has this huge amount of toxic waste scattered all over the place.

According to Metro's own records, the amount of dioxin going into the furnaces was multiplied six times as a result of burning. I have to tell you that neither of these two

incinerators did get through the process, but it took a lot of years out of our lives to stop them.

Rather than carrying on in this vein, I would just like to say the conclusion we came to was that not only should incinerators not be built in south Riverdale; they should not be built anywhere. Members of our group have spoken at public meetings to discuss incineration all over the province, letting people know what our experience has been and what our research has shown. We have also responded to requests for help from other provinces. It was a huge burden lifted off our shoulders when Ruth Grier announced the ban on incineration. Now we have been freed up to help establish an alternative waste reduction plan.

A poll taken a few years ago showed that 71% of residents in Metro were in favour of incineration. That may be so, but just try siting one anywhere and see what happens to the support in the local neighbourhood. Sometimes I think the solution would be to announce the siting of incinerators in every municipality in Metro, because the support for the alternatives of the 3Rs and composting would skyrocket.

This leads me on to the question of full hearings for all waste management facilities. This would appear at first glance to be the solution to neighbourhood concerns, and there is certainly a place for hearings. However, unless there has been a rational, equitable site search in the first place for any facility, hearings can become a form of abuse in themselves.

Since its founding in 1983, Citizens for a Safe Environment has been involved continuously in preparations for hearings on at least six different facilities, all within a five-kilometre block. There was the city of Toronto's refuse-fired steam plant, the TSI Trintek energy-from-waste incinerator, the Commissioners Street transfer station, the Commissioners Street material recovery facility, the refiring of the Hearn generating station, and best of all, the Ashbridges Bay sewage treatment plant expansion. I know I am forgetting others.

Social life in south Riverdale revolves around environmental protection hearings. Conversations go like this, "Are you going to the political action committee for Ashbridges Bay tonight?" Reply: "Well, I'm not sure because the environmental liaison committee is meeting tonight also and I didn't make the last one because I had to go to the public meetings about the decommissioning of the Ball Barrel site. However, I will see you at the South Riverdale Community Health Centre environmental health committee meeting on Thursday. You will be there, won't you?"

Last year I counted the number of meetings I went to on various things to do with our degraded environment and it came to over 100. I am not a professional working in the field of environmental studies, although I feel like I am getting there whether I like it or not. I am a homemaker and ex-occupational therapist. Things have reached a ridiculous level in our community. Whenever I hear the words "environmental assessment hearings" I get a headache. You would think there was nothing else to do with waste than burn or bury it.

Ours may seem a very narrow perspective, but I know there are other communities that are in the same boat.



Environmental assessments can become a form of abuse when you keep trying to site everything in the same places over and over again. Personally I would like to get back to seeing movies, renovating my house, seeing friends; the ordinary things people do.

Despite our cynicism, we are still hopeful. We as a community would love to see a composting plant in the port industrial area. We proposed the idea to Metro in 1989 and were turned down. We again submitted a proposal to them in 1990, which they took a little more seriously. We seem to be stuck at present on the issue of who will control the plant. As residents with a long history of trying to protect ourselves from the neighbouring alien industrial environment, we are not prepared to accept just any plant or even invite any plant into our area.

We feel it is very important we do our own research into technologies for composting, odour abatement, operating conditions and the legal means to control odour and other pollutants. We are tired of listening to engineering companies tell us what is best for us. We, as neighbours, have different priorities than engineering firms. We want to be part of the solution to our present environmental crisis and we are prepared to take responsibility, but we must have the resources to do our own research. Your government could probably save a lot of money by funding communities to design waste reduction plans for their own neighbourhoods. You can see it in Georgetown with the Waste Wise project. We are also prepared to take similar steps, but we cannot do it without money. Environmental protection cannot be run on a volunteer basis.

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An example of the priorities we as a neighbourhood have is that we are not prepared to take anyone's word that a certain technology is odour-free. We want to contact the neighbours of existing plants and ask them if the plant is clean. Neighbourhood noses are a better judge than any high-tech odour detection system.

We know from bitter experience that existing legislation does not protect us from the effects of pollution, so we want to develop contracts that would be specific to our circumstances and that would have the agreement of all parties involved: the operators of the plant, the neighbours, the Ministry of the Environment and anybody else who is involved. We want to make sure the plant will fit into the neighbourhood appropriately and that it will not at any time become a burden. We want to take our fair share. We are not prepared to carry the load for everybody else.

The Ashbridges Bay sewage treatment plant is a perfect example of the problems created when one community takes the load for the wider community. As long as somebody can build a monster home in Markham, use as much water as he likes, use all sorts of household hazardous materials and then flush it all down the toilet to a distant community where he never sees the results of his actions, and certainly never feels the effects, he will continue to pollute our water and ultimately destroy our planet.

True social development is based on social equity and a rational process, not just economics.

**Mrs Mathysen:** Thank you for coming here. I think you have given it a human face by talking about your neighbourhood, and I wonder if you would tell me a little more about that neighbourhood. We have had people come in here and say that the technology regarding incinerator stacks in Europe is such that we need have no fear, that the technology will protect us. Yet you mentioned high mortality rates and health problems. Could you explain that? How do you know that really is connected to the incinerator?

**Ms Suttle:** I am not necessarily saying it is directed only to the incinerator. But if you put an awful lot of smokestack-polluting industries beside a residential neighbourhood, it is bound to have an effect on people's health. You cannot breathe in that much pollution and have absolutely no effect. I am no scientist, and I think you will find that very few scientists are willing to say, "Yes, this plant is causing this." So you have to—I do not know if we will ever get to a point where you can do that—work on common sense.

**Mr McClelland:** Citizens for a Safe Environment was instrumental in shutting down an incinerator previously, under a previous government.

**Ms Suttle:** That is right.

**Mr McClelland:** In fact it played a very active role and was significantly instrumental in some good community advocacy on behalf of the citizens.

Many people who come before this committee, yourself included, seem to focus on a particular aspect, which is human nature; we all have our areas of interest. I want to simply say, again for people who are watching who may be interested, that Bill 143 is not just about a ban on incineration; it is much more. There has been some allusion that people have suggested that people who are speaking against Bill 143 are pro-incineration. That is not necessarily the case at all. It is not an issue. That happens to be a component of the act. It is one small piece of the act, and I think there are many other ways of doing it.

I would be interested in your comments. If that is the issue of importance to you, I would simply invite a comment from you that you could surely accomplish that goal without removing so many of the rights of citizens that Bill 143 removes.

**Ms Suttle:** I have to comment, though, on your point about incineration. It seems to me kind of ludicrous that it has been banned—the debate has gone on for years—and yet money is being wasted on looking into the whole thing.

**Mr McClelland:** But Bill 143 is not necessarily about incineration. It is one small part of it.

**Ms Suttle:** It may be small, but if it gets through it could be very large.

**Mr McClelland:** Nobody is saying it is not important, but to suggest Bill 143 is redeemable—I do not know if you are saying that. Are you saying Bill 143 is redeemable because it has one good thing about it? Is that your position?

**Ms Suttle:** What I am saying is I am very concerned at the amount of pro-incinerator talk that I hear in the media and at the other levels of government. When I see, for instance, the Metro government spending an awful lot

of money on a task force to look into incineration when it is banned, in a period of a depression, it seems absolutely ridiculous to be spending hundreds of thousands of dollars on something that is banned.

**Mr McClelland:** With respect, you have not answered. Am I safe in saying then that your anti-incineration position does not necessarily mean you are pro-Bill 143 in its entirety?

**Ms Suttle:** No, I probably am not pro absolutely every last word and every last detail. The spirit of the bill is what I support.

**Mr McClelland:** The spirit of removing the EPA and the EAA and the Planning Act and the OMB and basically citizens' participation? As a citizens' group, are you in favour of that spirit of the act? A large number of people have referred to it as dictatorial in its very fundamental nature inasmuch as it basically says in many instances, "Sorry, people, you don't have a voice here." That is what the bill would say to you under other circumstances. If by accident of geography or circumstance you happened to be in a different place at a different time, I wonder how you would react if bad elements of the bill were impacting your particular citizens' group.

**Ms Suttle:** Unfortunately I think we have landed at this point in time where it is very difficult to deal with things. This is a problem that has been going on since then—

**Mr McClelland:** So it is better that we have no public involvement at all then?

**Ms Suttle:** Just a second. Let me finish, please. The whole garbage crisis has been going on for about 20 to 30 years. It is not something that has suddenly come up. This government came into office how long ago? A year and a half ago?

**Mr McClelland:** Yes.

**Ms Suttle:** As far as I am concerned they had a problem dumped on them. They have to deal with it in the best way they can. I think it was courageous on their part to take such steps as banning incineration and saying that export is not acceptable. We all have to deal with garbage in our own communities. The thing is that if you are proposing safe alternatives like composting plants, material recovery facilities and landfills that have all the toxics taken out of them, all the organics taken out of them, it is a very different situation than the sorts of landfills we have been dealing with up to now. I think there should be hearings, but there is a time limit.

**Mr McClelland:** I am pleased to hear that because the time limit, according to newspaper articles, is 1999 in one case. Landfills report 30% less trash. I find it curious that it is a problem that was suddenly dumped on the hands of the current government and that justifies—I find it curious, quite frankly, that you support the ideology that says: "Sorry, we have a price. We don't have to listen to people."

**Mrs Marland:** Ms Suttle, in your brief you talk about how busy all of you are, and I commend you and your group for your community involvement. But it is rather ironic where you list all the things you are wondering

about: where you can divide your time and whether you should go to this environmental liaison meeting or the meeting about the OMB hearing or whatever. You gave the kind of example of busy, grass-roots, community-minded people very well. I realize Mr McClelland was going down this road, but I have to ask you about the very example you give about how busy you are. Obviously, as committed and concerned citizens, you have picked up that opportunity for input. It has been very important to you.

**Ms Suttle:** I would not say we picked it up. To protect ourselves and our children we had to. We have no choice. That is the problem. What I object to is that if you just talk about hearings in isolation and do not talk about site selection with that, it does not cover the whole picture. If you are putting a sewage treatment plant—we do not have a landfill; we have a lakefill—the incinerator, the MRF or material recovery facility, the composting plant, the transfer station, everything in the one small area—

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**Mrs Marland:** I know. I understand that. I came from the same background. I do not really want to say, "I came from"; I am still part of the background that elected me 19 years ago and that is to represent the concerns of the public. The fact that you are involved means you have had an opportunity to be involved.

I just wonder how you are going to feel when the government becomes such a dictator that there is no more opportunity, if the government chooses, for the public to have that input. There will not be any more meetings for you to go to, because the decisions are going to be made in an ivory tower down at Queen's Park. If they are going to eliminate all the rights of the public under the existing statutes in this province, then even though you have not wanted to do it—it would not be your first choice; you would rather be like what I would have preferred to be, at home reading to my children, but like you I was out night after night.

I believe in the public process. I think we cannot just elect government and have it sit down in its ivory towers never having to hear from us again. That is what I see Bill 143 doing. It gives all the powers and all the rights to the government, but you and I will be paying all the bills and we will have no choice or input into the policy.

**Ms Suttle:** My understanding of Bill 143 is that it does not completely eliminate hearings; it will shorten them and we may not have a full environmental assessment on every project.

**Mrs Marland:** Does that not concern you?

**Ms Suttle:** Yes, it concerns me to certain extent. But I would be much more concerned if we were talking about the source of waste disposal facilities we have had in the past and which I do not see in the future as long as we follow the spirit of Bill 143 and go with the 3Rs and composting and very clean landfills that do not have the toxics and the organics, as I said before.

**The Chair:** Thank you very much for appearing before the committee today. I appreciate your coming. I have told others that if over the course of our hearings there is



additional information you would like to share with us, please feel free to communicate with us in writing.

#### MAPLE VILLAGE RATEPAYERS ASSOCIATION

**The Chair:** I would like to call our next presentation, the Maple Village Ratepayers Association. Please come forward. You have 20 minutes for your presentation. I ask that you begin by introducing yourself. Leave a few minutes at the end for questions from committee members. Welcome.

**Mr Badali:** Thank you for allowing me to speak to the committee on this very critical issue. My name is Peter Badali. I am president of Maple Village Ratepayers Association, representing approximately 3,000 taxpayers. We are strongly opposed to part III of Bill 143.

We, the residents of Maple, do not trust this government. We thought we had an ally and an understanding politician in Ruth Grier; we really did. We have been saying for many years that this landfill emergency has been orchestrated and tunelessly played by Metro Toronto. They have been compromising their political will by ruling out any alternative and pooh-poohing any landfill consideration within their borders and saying there is no emergency.

Ruth Grier echoed that same belief. I present a letter she wrote in March 1989 to the then Minister of the Environment, Jim Bradley. I wish to read it to this committee.

"Dear Mr Bradley:

"I am writing to urge you, in the strongest possible terms, not to exempt from the Environmental Assessment Act the proposal of Metro Toronto to extract clay in a 171-hectare parcel of land immediately north of the present Keele Valley landfill site.

"Metro has known since at least 1980 that additional clay to line the Keele Valley site has been needed. For that reason there is no justifiable reason to argue that the Environmental Assessment Act should be skirted because of the alleged 'emergency' nature of the problem. It seems to me that Metro has not managed the planning aspect of Keele Valley very well, and that they should not be rewarded for mismanagement with an Environmental Assessment Act exemption.

"I suggest that for you to waive the requirements of the act in this case would run counter to everything that you have said in your term as Environment minister about sound waste management and environmental planning."

**Mr Stockwell:** Déjà vu all over again.

**Mrs Marland:** Déjà vu.

**Mr Badali:** Déjà vu. Now do you know why we do not trust anybody?

**Mrs Marland:** Yes, we do.

**Mr Badali:** We thought we had an understanding compatriot; instead, we were sold a bill of goods. Bill 143, part III, is a bill of no goods. There is no emergency, just political expediency. There are good, viable options to expanding the Keele Valley landfill site and a responsible government should be seeking the options. They should be taking positive steps forward.

Do you want to hear another example of mistrust? This New Democratic Party has declared the Oak Ridges mo-

raine as an environmentally sensitive area. Keele Valley is within that area—yes, amazing. "Well, we'll just exempt it." Yes, that is right: new democracy.

The Keele Valley landfill site sits atop the aquifers of the Don River, which is part of the Oak Ridges moraine. There are only four feet of clay separating millions of tonnes of garbage and our water, the same water system that feeds southern Ontario its water. There is that word again, clay, the commodity that is absent in the vicinity of this landfill, the commodity Ruth Grier was speaking of. Let's not worry about rain forests. We have a natural disaster right here in southern Ontario. Am I overreacting? I do not think so.

The Ministry of the Environment will not guarantee that the clay liner will not crack. They will not guarantee that something could not go wrong. Invariably, something may. Do you know what will happen when it cracks? Poison; it will poison our water. If you say we have plumes that will catch the waste and divert it to our sewer system, yes, the Ministry of the Environment admits that the plume is shifting southward. They do not know why. This landfill is very unique. Never before have 20 million tonnes-plus of garbage ever sat in one concentrated area. It is the largest landfill in Canada, the third largest in North America. We do not have any history or data on what could happen. Now Ruth Grier and this government want to gamble that it will not become the largest environmental disaster in Canada. Do you want to take that chance?

When we elected the New Democratic Party, we did not think it would turn into the "no-democratic party." There is no emergency. Expanding the Keele Valley site is no alternative, because we just may have no water. Please hear us. Respect our environment, respect our livelihood and remove part III of Bill 143.

**Mr McClelland:** Sir, you have said it well and I guess you have said it all. I can tell you this, though. You are not going to get a hug from the parliamentary assistant saying what a good job you did, like the other citizens' group that came in here. Unfortunately this happens to impact you and you do not see it as a good bill. Of course it does not have any impact on the other group. They happen to be very much tied in with the NDP, so they are going to get a pat on the back and a hug and told that they did well. You, sir, will not receive that accolade from the parliamentary assistant for the Ministry of the Environment because you have come down and laid it out as it is. For that I thank you. I wish you well. I hope you are heard and I hope you are understood.

**Mr Badali:** Thanks a lot.

**Mr Stockwell:** I would like to go back to before the last election, around August or September when everyone was campaigning. What exactly did this government promise you and your area about the Keele Valley landfill site?

**Mr Badali:** They said they would not expand it.

**Mr Stockwell:** Is that right?

**Mr Badali:** Yes. We heard through, I guess, Laurie Orrett, who was running in the campaign, that Bob Rae had gone to the landfill site. None of us were there, so this

is all at third hand, but he said that the Keele Valley landfill site would not be expanded. It was a great little tour of the site they did.

**Mr Stockwell:** It is lucky the press was there at that time.

**Mr Badali:** They were there? We have been trying to locate—

**Mr Stockwell:** Yes. I have some stuff you might like to see.

**Mr Badali:** Good stuff. Actually I have been trying to locate that.

**Mr Stockwell:** The next question is, have they contacted you subsequent to the election? Have they met with you? Has the Minister of the Environment met with you?

**Mr Badali:** No, she has not met with the Maple Village Ratepayers Association. We have sent a letter to her. We are also part of Vaughan CARES so we are active in that area as well. I am also part of the Keele Valley landfill liaison committee, which meets once a month. So, no, we have not met with—

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**Mr Stockwell:** Have you requested meetings?

**Mr Badali:** No, we have not. We worked through Vaughan CARES on this one.

**Mr Stockwell:** Have they requested meetings?

**Mr Badali:** I believe so. I would have to check that.

**Mr Stockwell:** What are the pure tonnage numbers that you have been told, the total amount that you are going to see put on your site in the expansion?

**Mr Badali:** Numbers were never talked about. As a matter of fact—I have never seen the actual document—it is contours that are talked about, elevations.

**Mr Stockwell:** I understand elevation and contours but I would like to know total tonnage.

**Mr Badali:** We have been told 20 million and we have been told 25 million may be possible as well with the packing down.

**Mr Stockwell:** The settling.

**Mr Badali:** Exactly.

**Mr Stockwell:** So you do not know exactly.

**Mr Badali:** No.

**Mr Stockwell:** What about the fact that you have a contract signed by Metro council, do you not—

**Mr Badali:** Yes.

**Mr Stockwell:** —that they cannot put any more there than what is allowed? Are you planning on suing them?

**Mr Badali:** Yes, we are. I know Vaughan CARES sued them successfully in their bid to expropriate land to extract clay. We sued them and succeeded in winning that right as well. We will sue. Definitely.

**Mr Stockwell:** So this will cost Metro taxpayers' money, the lawsuit.

**Mr Badali:** Absolutely.

**Mr Stockwell:** Terrible. Thank you.

**Mr Wiseman:** You probably heard my comments to the other ratepayer groups from Maple and the concern that this whole landfill has for me because of the presence of the York-Durham sewage treatment plant in my riding at the lake and the fact that any leachate or any accidents or anything that happens in your landfill site will wind up on my beaches.

It is disturbing. But we are brought to this from a historical perspective. Under the Liberals, P1 was put on the table under the Environmental Protection Act. Mr Stockwell supported that when he was on Metro council. When his leader, Mike Harris, came to Whitevale he said that should they be elected and form the government, they would not allow the site to go ahead without a full environment assessment and hearing. Presuming that they are honourable people and that the party would not change its position as Mr Stockwell has been pushing it to do for the last 18 months, assuming that there would be a full—

**Mr Stockwell:** A point of order.

**The Chair:** That is not a point of order, Mr Stockwell. Mr Wiseman has the floor.

**Mr Wiseman:** —assuming that there is a full Environment Assessment Act hearing—

**Mr Stockwell:** He is inferring that—

**The Chair:** It is not a point of order, Mr Stockwell.

**Mr Wiseman:** —on P1 and as you can understand, the residents of Pickering who were upset about this choice of P1 were prepared to go to court. They had hired a lawyer—I was part of that group—and were prepared to drag this thing out, I promise, for ever. I understand the same situation existed for site 6B. Site 6B was created out of a problem by the Liberals who pulled site 6A. So assuming—

**Mr Stockwell:** Point of privilege.

**The Chair:** That is a point of view. You do not have the floor.

**Mr Wiseman:** —all of these things came to play, there would still be a shortfall. Under the Solid Waste Interim Steering Committee, the region of York had nominated a lift and expansion of the Keele Valley site for—

**Mr Badali:** Five million tonnes.

**Mr Wiseman:** —as its interim waste proposal. It brings me all the way around to the question about the lift on Keele Valley and the fact that in an emergency situation, which is going to develop under the Tories, assuming that they are honourable people, and under us because we are honourable people, and in contradiction to the P1 selection which was done behind closed doors, how would you have helped solve the problem? You talk about there being alternatives. I am interested in what the alternatives would have been, given that, as one of the other deputants said, the spokes of the wheel come all the way around.

**Mr Badali:** I think one of the alternatives would be to look seriously at the Kirkland Lake proposal right now and give that a sound hearing rather than dismissing it altogether and saying, "Out of sight, out of mind," which Ruth has gone on record as saying. I think you should be seriously considering—we have heard the term—a high-tech incinerator



somewhere. I think you should look seriously at that as well. There was talk of bringing the garbage to Hamilton at one point. Hamilton wanted the right to land some planes at the airport and Metro Toronto could not agree to that. Something happened to that effect. That was a proposal that was quite a few years ago.

There are different options. There are viable options and they should be sought after rather than looking at the easiest way—"Let's expand the Keele Valley landfill site"—because it is going to be very dangerous. You expand that site beyond 25 million tonnes and this is serious stuff. With 25 million tonnes of garbage in one area, we do not know what the heck has ever happened with that. I do not care what emergency you have. That is putting a gun to your head and pulling the trigger. That is what I equate it to. If you think that is the alternative, then let's do it; let's all kill ourselves, because we are going to be doing that. That is not an alternative. That is suicide.

**Mr Wiseman:** The comments that were made by Mr Cohen, who has a PhD and is an expert in incineration, clearly indicated that burning garbage was a method of distributing dioxins. As we heard from the previous deputant, the Metro incinerator creates the dioxins and that would distribute it over a greater area. I hope you will go and read the CP proposal for Vaughan when it comes to its proposal because what that would do is have every truck with its garbage from all over the GTA move to Vaughan to unload to put on a train to send to Kirkland Lake.

**Mr Badali:** Yes, but that would have special roads as well. My understanding from Scott Somerville and Lorna Jackson is that comes right off Highway 7 and Highway 400.

**Mr Wiseman:** In Pickering, in reference to that, the only road the garbage trucks can use in Pickering is Brock Road from Highway 401 and they all obey the law because they are good law-abiding citizens. It is just that all those other trucks on the side streets and everything are not actually theirs.

**Mr Badali:** Yes. Okay.

**The Chair:** There is approximately three minutes remaining. I can divide it. I believe Mr Stockwell has an additional question, so could you just place your question, Mr Solá? Then anyone else can place them and we will allow the deputant to respond.

**Mr Solá:** Would your opposition to Bill 143 be just as strong and just as loud were the government in power the Liberals or the Conservatives? Are you opposed to the direction that Bill 143 is going in—

**Mr Badali:** Absolutely.

**Mr Solá:** —or to the party that is in power?

**Mr Badali:** No.

**The Chair:** Mr Stockwell, do you want to place your question?

**Mr Stockwell:** What is an acceptable time limit on environmental assessment hearings that you would accept, and exactly how much are you receiving in the way of environmental assessment hearings on the expansion?

**The Chair:** Miss Haeck, place your question, please.

**Ms Haeck:** We have heard from deputants who have indicated that tipping fees at places like Keele Valley will generate a lot of income, but Peel region has asked that injurious affection to be taken off the table so people like yourselves cannot receive any monetary compensation for noise or any other pollutants. What would your comments be about that?

**Mr Badali:** Oh jeez, easy questions. First off, I believe I answered that question. I think any party that put this forward we would not support at all. We think we need an Environmental Assessment Act. We need protection. We need democracy in the whole system. As far as a time limit is concerned, I do not know. I am not a lawyer. I know the time limit is five years but whatever is acceptable in the act presently, I think would suffice.

Your question on—

**Ms Haeck:** It is called injurious affection; basically it is getting some monetary settlement.

**Mr Badali:** I am not sure how much money Vaughan gets because of that.

**Ms Haeck:** Toronto is getting about \$150 now.

**Mr Badali:** That is right. I am not sure how much Vaughan is getting of that. Is that your question, basically?

**Ms Haeck:** If injurious affection goes off the table you could not sue in any way, shape or form for any kind of compensation.

**Mr Badali:** We should be able to, absolutely.

1540

**The Chair:** We appreciate your coming before the committee today. A question to the parliamentary assistant?

**Mr McClelland:** A point of clarification: I think it is important to understand—maybe the parliamentary assistant or legal staff would like to clarify—that removal of section 19 does not necessarily mean it will not sue. It in no way abrogates any common law rights that exist for citizens. By removing section 19, it does not embody it in statute law. To suggest that this removes the right to sue, I think might have been said in error and I am sure Ms Haeck did not mean that sense. Staff may want to clarify that for the record and for the deputant because I think it ought to be understood.

**Mr Owens:** I think we should get a little bit of clarification on that. Jim Jackson is a solicitor from the Ministry of the Environment.

**Mr Jackson:** The removal of section 19 would not remove any existing rights to compensation under the Expropriations Act and it would not remove any common law rights for damages for nuisance or negligence that neighbours might have.

**The Chair:** I have a question that follows on that. We had representations yesterday which said that if this was the case, then why would you not be explicit in this legislation as well?

**Mr Jackson:** Section 19 dealt with a relatively small point in the Expropriations Act, the distinction between the injurious affection compensation that a neighbour is entitled to arising out of operations or construction. Under the

Expropriations Act a person is entitled to injurious affection arising out of both construction and operation of a public undertaking if some of his land is taken. If no land is taken, he is only entitled to compensation for injurious affection arising out of the construction and not the operation of the undertaking.

**The Chair:** You were here yesterday when we had the other representation. My question is, is the issue then clarification of who they would sue or who they could take action against?

**Mr Jackson:** The issue is only whether or not any damages, injurious affection, arise out of the construction of the undertaking or whether they arise out of the operation of the undertaking. That only becomes relevant with respect to people whose land is not taken, but there is no proposal to take land in connection with either of the two lifts.

**The Chair:** I think there will be an opportunity for further discussion during clause-by-clause, but you have raised an interesting point.

#### NO GANARASKA DUMP COMMITTEE

**The Chair:** I call the next presentation, the No Ganaraska Dump Committee. Please come forward. I ask that you introduce yourself to the committee members. You have 20 minutes for your presentation.

**Dr Magder:** I am John Magder. I am the chairman of the No Ganaraska Dump Committee, I wish to thank you for the privilege of presenting our brief commentary regarding Bill 143.

Our committee represents hundreds of residents in the Durham community of Newcastle. This is an area in this province that has operating waste landfill sites, toxic waste storage sites and a nuclear energy plant, among other environmental dangers. The committee was formed in the fall of 1990 to address the selection of three sites in the immediate community that were being considered potential candidates for Durham's long-term waste landfill site. As our concern with the issue progressed, we became deeply aware of a cruel and faulty process that had rained blight upon thousands of other Durham residents and thousands of acres of prime agricultural land around them. At every opportunity we questioned the process that had been undertaken, suggesting a wide range of improvements. We have been treated politely but not seriously by nearly everyone to whom we made presentations—the town of Newcastle, the region of Durham, the Byers committee and the Interim Waste Authority representatives.

The IWA's initial efforts in selecting the new Durham site coupled with Bill 143 suggest hundreds of hours of hard work were meaningless.

Our input was not unique. Other groups in Durham have made similar and even stronger presentations. We have seen none of their input in the draft approach and criteria for Durham region's landfill site search or in Bill 143. Surely if the Minister of the Environment is sincere in applying her party's desire to involve participatory democracy in its decision-making, there should be some significant evidence that she has recognized the concerns of

people most directly involved in the efforts of the IWA, the body to which she is prepared to entrust the broad powers outlined in Bill 143.

Now we will make some comments regarding certain portions of the bill.

**Part I, section 3, expropriation:** We have made the point in numerous presentations that in the process of expropriation, fair market value of land that has already been depreciated over several years by the site selection process and the subsequent environmental assessment process can never be fair. Compensation should reflect the value of the land as it would be once approved as a landfill site, not as depreciated farm land.

**Section 4, hardship:** We felt this was a step in the right direction. However, it does not address the difficulties created when site lists are announced and during the interval until the final site is selected and approved. During the region's recent site search in our community, farmers could not readily mortgage, sell or build once the initial site announcements were made. Home owners planning to sell for purposes of relocating had their property values depreciated and in many cases these properties could not be sold at any realistic price. The consideration of hardship must be extended in the legislation to include hardships created by the initial and ongoing aspects of the site selection process.

Now this is where we were more than upset. Sections 6 to 11, inspection: These sections must be abandoned and replaced with a fair and inoffensive mechanism to accommodate the site selection process. Certainly if the legislation included a section that would allow inspectors to enter urban homes to observe response to the 3Rs mandate and penalize those who denied them access, political hell would break loose in this province like nothing ever seen before.

Our committee questions whether the police have such powers of access. Compensation, again, is not addressed except compensation for property damage. Who pays the legal costs for the property owner who does not wish to allow access? Who compensates the farmer whose planting and harvesting are interrupted by the inspectors? Who is liable for injuries incurred by the inspectors in their duties? Does the Workers' Compensation Act and other legislation protect the land owner from litigation resulting from such injury? Is this committee confident that these questions are easily answered and that they have been adequately considered by the ministry's legal advisers?

We would suggest that if the criteria selected for purposes of identifying potential landfill sites were understood by most and accurately followed by the consultants, and a land owner could readily understand that an equitable process led to his property being selected, then negotiations regarding access and compensation would more easily follow. The IWA and its consultants should not have the Big Brother threat of this section of Bill 143. They must undertake the site selection process in a fair and forthright manner, not in the careless, thoughtless fashion previously experienced in Durham.

Ruth Grier, in her statement to this group on January 20, said that one of the three components of action to deal with the GTA situation was establishing a process to find



long-term landfill sites as quickly as possible with an environmental assessment. Bill 143 is the foundation of her plan.

She also stated that the GTA would be given additional powers, including authority to conduct essential site investigation in a way that minimizes intrusion into individual privacy and a considerate approach to any expropriation that will be required. We have not seen that in this document. Where is it?

1550

Opponent funding is mentioned, but only at the stage of environmental assessment of a chosen site. No mention is made about compensation to those who legitimately oppose the site selection process. Again, though this need has been pointed out repeatedly by many, funding for opponents to the site selection process apparently has been ignored.

The minister has deleted section 19. What public input did the ministry receive on this issue prior to deleting it? Your committee should ask why "interested parties" did not include groups such as ours. We have considered the issues that were to be addressed in section 19, as have all opponent groups in Durham. Were any opponents involved as interested parties?

The IWA consultants have provided no evidence that they have applied public input to the draft process and criteria. Once armed with such a powerful legislated weapon as this bill, they can tailor the site selection criteria in ways to facilitate a hasty decision that will be devoid of public input—input the minister assured would be sought and considered.

For the last two years we have heard frequent mention of the "environmental assessment game." To permit Bill 143 to pass unchanged and as it stands today will change the rules of the game to the further detriment of the opponents. The playing field will not only be uneven; it will be completely tilted towards the opponents' end of the field.

**Mr Wiseman:** Rather than ask you questions, I think you have raised a number of questions and what I would like to do is to ask the parliamentary assistant to respond to some of the concerns you have raised and perhaps try and alleviate some of those questions for you now.

**Mr O'Connor:** Some of the questions you raised deal with the power of inspection and some rights and what not. Those are very good questions and they are questions the committee had actually raised through our hearings. A package of answers has been passed around to all committee members. Before we open it up and get into further dialogue along that line, perhaps we will get a copy for Mr Magder so he can review it as well. Then the committee members will have a chance to review some of the questions, because there are a ton of questions that have been answered here. If you take a look in your package from Wednesday, January 22, it goes into quite a bit of detail as far as expressed power of entry is concerned. It deals with the charter and the precedents of the power. It talks about different acts it is present in right now, the Ontario Water Resources Act, the Environmental Protection Act, the Cemeteries Act, the Building Code Act, the Public Trans-

portation and Highway Improvement Act, the Planning Act, the Health Protection and Promotion Act. There is quite a bit of detail that has been provided. Rather than go into it right now, maybe we can allow people to ask you some questions. Thank you for that question, Mr Wiseman. I will make sure you get a copy of that.

**Mr McClelland:** I do not really have a great deal to say other than to commend you on your presentation and thank you for some of the questions you brought up. With respect to the compensation you talked about, one of the suggestions that has been made, recognizing the position of municipalities, that they felt some injustice with respect to section 19 as it stood inasmuch as they were potentially the pockets that would be hit for any compensation—given the fact that it was by order of the minister that for any injurious affection that may be visited upon individuals, then the municipality would have to pick up the tab—one solution I have suggested, and I would be interested in your comment on it, is that there be a system set up that would either apportion and/or take into account the fact that it is the Minister of the Environment making the order potentially causing the injury and the loss of value to the property. Therefore it should be compensation that would come out of the general revenues of Ontario. The remedy would be available to people, but the remedy would be drawn from the correct source. In other words, if the minister is making an order, she cannot hide behind the municipality to pick up the cost of that injury to individuals. I would be interested in your comment on that, sir.

**Dr Magder:** Are you implying that this section should remain?

**Mr McClelland:** Personally, I think it should remain, with the change.

**Dr Magder:** With the qualifications you suggested.

**Mr McClelland:** I will be very candid with you. I am sympathetic with the municipalities' point of view. They are saying, "It's not our fault we're in this position," but I think that can be balanced with the citizens' position that says, "It's not our fault either and we ought to be compensated for it." Surely the compensation should come from the power that is ordering the—

**Dr Magder:** Maybe Mr O'Connor can tell me if the minister did consult with interested parties such as ours. I know it was mentioned in her address that the Association of Municipalities of Ontario and interested parties brought forth this concern of theirs. I understand that, but did she consult with the people, the other guys, the opponents, the people who were going to be affected, who were happy with this section 19 because it addressed problems that were obvious before?

**Mr O'Connor:** With regard to injurious affection, I am not sure exactly how many people participated in it. I know there were a number of people, not only the association of municipalities but actually some municipalities outside of that as well, who participated in sharing their concerns around that. We have heard from a citizens' group as well. I do not know whether Alex Giffen has anything more to add.

**Dr Magder:** Did she talk to any anti-landfill site people in Metro?

**Mr Giffen:** The provisions regarding injurious affection relate to the minister's reports issued under part III of the act to Metro Toronto, the region of Peel and the region of Durham. Those municipalities have expressed concerns that the existing rights and rules and legislation are adequate to protect injured parties and that the addition of section 19 would add additional uncertainties and confusion. The minister was persuaded by those arguments that the Expropriations Act and common law provide adequate protection and that these additional measures were not appropriate.

**Dr Magder:** Therefore, is this the forum for the grass roots, the people really involved, to state their case? In other words, on the input provided to this committee, is it a fait accompli or is it—

**Interjection:** Yes.

**Dr Magder:** Okay. I just want to know.

**Mr McClelland:** My question is for the parliamentary assistant to ask if he would obtain a list—it is a terrible word to use around here these days—of people who were consulted and if in fact there were any organizations. I know AMO was. I know the region of Peel was.

**Mr O'Connor:** Okay. That is for the record?

**Mr McClelland:** Yes. We are talking about citizens' groups, organizations and individuals who may have benefited from section 19, if that balance was brought into the discussion process.

**Mr Stockwell:** Mine is more of a comment than it is a question. This is the process that is apparently supposed to be used for input from private citizens and groups to effect change in this legislation, but you have to understand that it is a lot like talking to trees. They did not want to have this process in the first place. They were forced to take this process by the opposition parties. They never wanted you to be here and they never wanted to hear from you or any other affected people, simply because they said point blank, "We do not want to have public meetings or public hearings or committees on this bill." Really what it comes down to is that they have been forced to have these meetings, but if you think you are really making a lot of impact, I would think again.

**Dr Magder:** I would like to thank you for your consideration. I have seen legislative committees in action on television. It is the first time I have been before one, and in spite of the comments from Mr Stockwell, I hope some of the stuff people present here does sift through to the powers that be.

**The Vice-Chair:** Thank you very much for your comments. They are appreciated, and you did very well for the first time, may I add.

1600

#### GATES OF MAPLE RATEPAYERS ASSOCIATION

**The Vice-Chair:** The next group is the Gates of Maple Ratepayers Association, if it would come forward, please. Would you please identify yourself for the purposes of Hansard. You have 20 minutes and we would appreciate

it if you would leave a few minutes for questioning towards the end.

**Mr Sacchetti:** My name is Fausto Sacchetti. I am the president of the Gates of Maple Ratepayers Association.

The proposed Bill 143 is the result of the minister's attempts to unilaterally impose her self-proclaimed and ill-founded methods on the residents of this province. The use of such an all-encompassing bill to circumvent well-established protection and precautionary legislation is tantamount to using Gestapo tactics to wage her own vision of war on waste, and it is too bad for anyone who disagrees with her methods.

Clearly all alternatives are not being considered. Only her politically influenced choices are being followed and clearly these choices have already been made. Through an expensive body of redundant research called the Interim Waste Authority, she has been attempting to retroactively legitimize those choices.

Where is the continuity of sound judgement and logic when a minister can on the one hand expound on the virtues of saving a natural phenomenon like the Oak Ridges moraine and on the other hand refuse to answer why she would consider the expansion of a landfill that sits directly on it?

Yes, the minister clearly stated she would take and has taken steps to stop dead in their tracks over 500 projects slated for development on or even near the Oak Ridges moraine. But when it comes to the Keele Valley landfill site—where, of course, the technically superior and state-of-the-art clay liner has already succumbed to the existing tonnage and begun to leak leachate—which sits directly on top of the Oak Ridges moraine containing the headwaters of the Don River, she says smugly, "I have made that decision and I am going to stick by it." Well, Madam Minister, that decision is wrong. No bonus points. Do not pass Go. Do not collect \$200. You lose Final Jeopardy, Madam Minister.

Jeopardy is what you are putting this and all other communities in Ontario in by removing the teeth of the Environmental Assessment Act and the Environmental Protection Act. You have no track record because the existing technology has no track record. You do not know what is going to happen 20 years from now. Not even the experts are willing to speculate on the long-term integrity of a facility with a pre-determined capacity. Yet you and your ministry are willing to gamble on your perception of an emergency without any regard for new facts and existing data.

What emergency? According to the latest reports provided by Metro, the existing capacity at Keele Valley should accommodate disposal until 1997 or later, yet you feel that changing legislation to accommodate your original perception of an emergency is wiser than proceeding with the environmental assessment hearings promised by Premier Bob. If hearings had been started 18 months ago, instead of establishing your own retro-rational committees, we would have been halfway through the process. But no, your ministry is busy dispensing with the thousands of man-hours spent by the previous government. God forbid that some of their findings and existing data could expedite



matters. Your own IWA people have admitted they have little or no use for previous work in their parataxis—produced, of course, under the ministry's guidelines—a work that is somehow complete and now awaiting government sanctioning without public scrutiny.

It was a struggle for the residents of our community, especially those groups most affected by the ministry's decisions, to be a party to the initial round of public consultation initiated by the IWA, let alone to include and then move social equity on to the short list of criteria for the new search. It is still a struggle, because when all is said and done and the choices are made public, it will surely lack in the area of "compensation for injurious effects."

Where are the champions of social equality? What is happening to the people's party? Is there a shortage of socially conscious advisers for your ministry? Are people not a primary consideration of the environment? Must they be relegated to secondary consideration behind flora, fauna and the zebra-striped, single-winged earwig in the assessment of affected life-forms? Surely the minister's workload, as both Minister of the Environment and head of the greater Toronto area, has not compromised her judgement with a possible conflict of interest?

Conflicts? Metro cannot export waste beyond its boundaries, even though Keele Valley is outside its boundaries, but it is possible for other municipalities to do so. Vaughan and Metro reached an agreement after eight years of hearings and studies. Metro agreed to take care of York region's waste for the next 20 years. Now, according to the minister, York region is responsible for Metro's waste.

Well, we might as well rewrite the book on contract law while we are at it, because the minister says it is okay to break other laws as long as it follows the ministry's new law. Wrong. Once again, strike two, full count, nobody on base, bottom of the ninth, and you are way, way behind.

Let's talk about the bill. Ladies and gentlemen, we are all willing to take responsibility and appropriate action in dealing with waste management. Therefore, let's not allow the illegitimate birth of this bill to penalize those communities which have done more than their fair share in that regard.

If I can draw your attention to some notes from an environmental information bulletin that was put out, it speaks clearly on part II, which deals with waste disposal sites, and says, "The environmental assessments prepared by the Interim Waste Authority will be required to discuss certain alternatives to the three sites involving waste reduction, reuse, recycling and other single landfill sites. Because of environmental effects and to ensure local responsibility for waste produced, incineration and transport to other regions are ruled out." Why? It just is.

Part III is "Implementation of Minister's Report." It does not say how to implement the minister's report, should it be implemented. No, it is just *carte blanche*: implementation of it.

There was a perceived disposal gap of at least two or three years. That was then. Let's talk about now. Direct orders: Peel region must extend the life of the Britannia Road landfill site. Why? Metro Toronto must extend the life of the Keele Valley landfill site, which is located in

York region. Why? The requirements apply even though implementing them will require one municipality to do something that would otherwise require the consent of another municipality or would contravene a municipal bylaw or agreement or a statute or regulation designated in the regulations. Why? Why must we break the law?

Ladies and gentlemen, I have a letter here dated March 7, 1989 addressed to the honourable Jim Bradley, then Minister of the Environment:

"Dear Mr Bradley,

"I am writing to urge you, in the strongest possible terms, not to exempt from the Environmental Assessment Act the proposal of Metro Toronto to extract clay in the 171-hectare parcel of land immediately north of the present Keele Valley landfill site.

"Metro has known since at least 1980 that additional clay to line the Keele Valley site has been needed. For that reason, there is no justifiable reason to argue that the Environmental Assessment Act should be skirted because of the alleged 'emergency' nature of the problem. It seems to me that Metro has not managed the planning aspect of Keele Valley very well, and that they should not be rewarded for mismanagement with an Environmental Assessment Act exemption.

I suggest that for you to waive the requirements of the act in this case would run counter to everything that you have said in your term as Environment minister about sound waste management and environmental planning.

"Yours sincerely,

"Ruth Grier."

Okay, Ruth. Wrong.

Part III of the new Bill 143: The Environmental Assessment Act does not apply and Ontario Municipal Board approval is not required. Is that not convenient? "A certificate of approval may be issued for the enlarged landfill sites and new transfer station or stations even if a hearing under part V (waste management) of the Environmental Protection Act has not taken place, although a hearing is not ruled out." Gee, I did not feel stupid when I woke up this morning.

We must expunge the impunities there present and replace them with legitimate procedures that have due process and regard for past errors, howsoever caused, and all alternatives, giving better priorities to social equity. The repercussions of passing this bill in its present form and at the sole and unfettered discretion of the present government are endless. The dangerous precedents set by its passing will surely give way to subrogation of other important legislation.

I cannot stress enough the vile mood of our community as a result of this act. Every community group, business, resident, institution and neighbouring town has been alerted to the threat of a government-created subtopia, and the spectre of militancy looms large over the horizon.

Even though things may have started out as "Bob's Excellent Adventure," it is time to put an end to "Bob and Ruth's Bogus Journey."

1610

**The Chair:** I think the response from committee members to your presentation, while there were smiles and laughter, was only because of the style, not the substance. I know there are several who want to ask you questions. You certainly had the full attention of committee members.

**Mr McClelland:** I want to affirm what the Chairman said. It is refreshing. Thanks for your energy. It has been a long process and a long day, and you certainly had, I believe, all our attention regardless of what side of the political fence we sit on.

You laid it out pretty well. One of the things you alluded to was the problems we now have and how to serve the cause. I am going to take this opportunity to put a question to the parliamentary assistant, because I believe your presentation, sir, really cannot be added to. You did a superb job. I want to touch on something you alluded to in terms of prior process.

It is not directly with your group, but it is the same bill, and the same rights are being overridden in Peel. There has been a suggestion throughout the course of this committee that one of the reasons is because the site selection process under the Environmental Assessment Act was stopped by the former government under the direction of the then minister, Mr Jim Bradley. I am going to ask the ministry to indicate on whose advice it was stopped, what the rationale was for that process being stopped and whether or not it was the advice of ministry officials that led to that decision. There has been some implication—in fact, some direct statements—that there may have been some other motivation. I want to say on this record to the parliamentary assistant, clarify clearly why the process in Peel was stopped, under what advice, and what direction was given to the minister from staff in that regard.

**Ms Haeck:** In your presentation, you made some comment with regard to technology, particularly on page 3. However, I was wondering if you had had a chance to follow any of the other deputations. Have you have watched any of the presentations given during the last few weeks?

**Mr Sacchetti:** Unfortunately I was not able to follow each presentation. I did, however, receive publication and written information with regard to the contents of presentations made previous to mine, especially from our own area.

**Ms Haeck:** I see. So you really have not had the whole array of presentations that we have had?

**Mr Sacchetti:** Over the due course of my involvement in the city of Vaughan, as a member of a liaison committee established by the ministry, the region, the Metro works department and the city of Vaughan, I have been privileged to view endless amounts of technical information and endless amounts of other information which I am sure forms the basis and content of practically everything that has been said here today. As to having viewed each presentation individually, I am sorry, I have not.

**Ms Haeck:** No, I realize that is a rather large undertaking, but I know that in watching it, sometimes you would get a different sense of the kinds of presentations on

either side of the question. The reason I asked that was particularly in relation to the kinds of technologies that have been put forward to us. Some people are proponents of incineration. Are you?

**Mr Sacchetti:** The incineration process should not be overlooked. It is clearly the job of the ministry and of government to look at everything. To arbitrarily rule out incineration without the benefit of any public scrutiny is clearly a mistake. That is where we feel we have been shortchanged. I am sure there is technology and there are studies elsewhere in the world, particularly in Japan and Europe, where incineration has been carried on for many years, that the government obviously has not taken into account.

**Ms Haeck:** You also comment about the fact that with the IWA, and definitely some other comments the minister has made, somehow she may not be taking into account those other technologies. I would like to turn to the parliamentary assistant and query the ministry staff, through him, with regard to the kind of technical data they have reviewed, possibly even the IWA, as to the kinds of choices that were made in formulating their decision eliminating things like incineration.

**The Chair:** Thanks very much Ms Haeck. Mr Stockwell.

**Ms Haeck:** I was wondering if the ministry could respond.

**The Chair:** You want the question now.

**Ms Haeck:** This is for now, to respond to Mr Sacchetti's comment about the fact that he was not aware that the IWA was taking into account any particular data.

**Mr O'Connor:** I do not know whether Barbara Johnston from the IWA had a chance to hear the question.

**Ms Johnston:** I am still confused as to what the question is. You are interested in the site search process for the IWA?

**Ms Haeck:** What kind of data you may have taken into account to scope the whole process.

**Ms Johnston:** I think that is a question better answered in writing.

**Ms Haeck:** I am sorry; I did not hear that.

**The Chair:** They would like to answer it in writing.

**Ms Haeck:** I see.

**Mr Stockwell:** That will be answered in writing?

**The Chair:** Yes.

**Mr Stockwell:** The deputant spoke about the retroactivity aspect of the decision-making. When this was being discussed under the Liberal government, there was some talk about expanding the site by some five million tonnes, was there not?

**Mr Sacchetti:** I believe there was discussion to that effect, earlier on, yes.

**Mr Stockwell:** The other thought was about the interim dump sites and long-term dump sites being proposed. Exactly why they were pulled off the table, I do not know to this day, but they were all pulled off the table. Did you consider that a reasonable response to the issue, that



we were heading down the right road, at least, in this province on landfill?

**Mr Sacchetti:** I believe our feelings at the time reflected a very grave concern with one committee in particular that had been set up, the Solid Waste Interim Steering Committee, and then the formation of the greater Toronto area. The confusion resulted in trying to establish exactly who was going to guide this tremendous search for a long-term site. I believe all the region's own sites were pulled off the table when the greater Toronto area was formed, if I am not mistaken. To throw away thousands of man-hours in any department of any government, regional, municipal or otherwise, to us seemed a complete waste.

**Mr Stockwell:** When the NDP and Mr Rae made the promise not to expand the Keele Valley landfill site, did you believe them?

**Mr Sacchetti:** Having had the landfill site virtually in my backyard for the last eight years, we were somewhat relieved at the time, but of course with an upturned eyebrow.

**Mr Stockwell:** When they got elected, did you expect them to carry forward on that promise?

**Mr Sacchetti:** Their being the proponents of social equality and the socialist government for the people, to hear the people and all the desk pounding that occurred around this issue, we certainly did not expect a complete flip-flop on it.

**Mr Stockwell:** The same goes for the Minister of the Environment, who was carrying you—

**Mr Sacchetti:** The Minister of the Environment has totally shocked us in more ways than one with her totalitarian approach to the whole issue, even when questioned at a meeting at which she was a guest speaker back in August for the Toronto Real Estate Board, where she clearly, bluntly refused to answer the question of whether she thought it was a wise decision to expand a landfill site that sits on the Oak Ridges moraine. At that time I came to the quick realization that it was going to be her way or no way.

**Mr Stockwell:** That happens in the House sometimes too. Could you tell me exactly what you felt when they made this announcement?

**Mr Sacchetti:** We were absolutely disgusted. In my closing remarks you will see that I have alluded to a spectre of militancy looming over the horizon. Taken seriously or not, I think you should consider the social anger that is present right now in some communities.

**Mr Stockwell:** It is the total hypocrisy of it all. It is the fact that they came out and made promises they could not keep. They totally reversed and now they have left you with literally—in the worst-case scenario in the old days you were looking at five million tonnes. Today you are looking at 20 million or 25 million.

**Mr Sacchetti:** To use a politically correct buzz term for the 1990s, faeces occur.

**The Chair:** Thank you very much. I did not realize that was politically correct.

**Interjection:** Is it environmentally correct?

**Mr Stockwell:** It is biodegradable.

**The Chair:** Again, I would have to say we are not laughing at anything other than the style. You certainly have a very graphic and descriptive way. You have got our attention and you have made a very important presentation to this committee. Thank you for coming today. We appreciate it.

1620

#### OLDER WOMEN'S NETWORK

**The Chair:** The next presentation will be from the Older Women's Network environment group. Please come forward and introduce yourself to the committee. You have 20 minutes for your presentation. We ask that you leave a few minutes at the end for questions.

**Mrs Phillips:** My name is Rivka Phillips. I am here on behalf of the environment group of an organization called the Older Women's Network. This organization is, as a whole, not primarily concerned with environmental issues. The Older Women's Network focuses on issues particularly affecting older women and encourages women to participate actively in decisions affecting their lives and society. We started in 1986 with seven women. Our membership today is over 300. Our work falls into two main categories.

The first is an advocacy program addressed to all levels of government: federal, provincial and municipal. The second consists of interest and support groups. A list of some of our advocacy program activity is on the sheet you have. I might mention the last one, security of shelter. We are in the process of building a rental cooperative apartment building, provincially financed, on city-owned land, geared to income with 142 units and there will be environmental protections in it.

Our environmental group, on whose behalf I am here today, was formed about two years ago. In this group the activities of course are not just for women, but for all living beings and our earth. We have advocated to all levels of government, primarily in the form of letters, on such issues as clear-cutting of forests; measures to reduce carbon dioxide pollution, which relates to the depletion of the ozone layer and global warming; such questions as increased rail transportation and hence reduced automobile use; improved fuel efficiency in cars; more bicycle routes in Toronto; protest against the James Bay II power project, and action to reduce or eliminate pesticides in public parks.

A few remarks about Bill 143: It seems ironic at the moment to say that we are pleased the bill has such comprehensive coverage in view of what I have just heard in the last hour or so. We are pleased with the good follow-up and inspection provisions the bill provides. On the not-plus side, we would like to see more emphasis on the following: clearly specify to manufacturers to correct waste-causing packaging; a requirement that industries pay for, or contribute largely to, the cost of cleaning up the pollution they cause; encouragement to individual citizens to draw waste-causing packaging etc to the attention of the manufacturers and retailers and the government. We think more help is

available from individual citizens, adults and school-children than has as yet been activated.

Our proposal regarding Bill 143 deals with one limited area, much less sweeping in scope than some of the presentations I have heard in the hour or so I have been here. It deals with the collection and disposal of two kinds of hazardous wastes, mainly from households: worn-out batteries, as used in small radios, cameras, toys, Sony Walkmans etc and empty containers from paint and cleaning supplies.

It becomes a question of cost for adequate disposal arrangements versus environmental damage from inadequate arrangements. Some people will make the effort to take these toxic materials to disposal sites themselves. If they do, the question is, are the disposal sites adequately accessible? Is their location adequately publicized? When we think of sidewalk pickup of these materials, we wonder if the pickup days are known and are frequent enough. If the answer to all these questions is no, and I think it is, then even environmentally concerned citizens tend to dump these materials in the ordinary pickup of garbage. From there it leaches its poison into the soil, and subsequently into the rivers and lakes, resulting in almost irreversible damage. That is something we are extremely concerned about.

There is one thing we think could be done. It is a small step, but it would achieve some reduction in pollution. Could we consider the small batteries, the nine volts, C, D, AA and AAA, separately from the paint and cleaning supply containers? Gas stations, even in their presently reduced numbers, and firehalls might agree to have large, adequately secured bins for used batteries. Pickup from this smaller number of locations would be less costly. I guess this arrangement could pull in over 90% of these batteries because gas stations are easily accessible, certainly to car drivers but also to pedestrians.

There is also the whole question of non-rechargeable batteries versus rechargeable ones and rechargers. The present ratio of non-rechargeable to rechargeable is about six to one. I checked that figure with a couple of Radio Shack stores, both in Toronto and Kingston. How can we reduce this six-to-one ratio? On the minus side, rechargeable batteries are expensive, approximately three to one, \$12.95 versus \$3.39 for a nine volt. Rechargers are expensive. They range in price from \$18 to \$34 for rechargers that will recharge all types of batteries, and recharging takes 12 to 14 hours. The lifetime of a recharged battery is about half that of a new battery, so recharging has to be done often.

On the plus side, any improvement in the six-to-one ratio is a gain. There is certainly a cost-saving in the long run. Manufacturers of rechargeable batteries might be persuaded to reduce the price, because increased sales volume would compensate for lower unit price. Retailers could be asked to remind purchasers of the existence of rechargeable batteries at the time of purchase. A small reminder at the point of sale might improve the six-to-one ratio. These measures would achieve some reduction in improper disposal of hazardous wastes without any great cost.

Regarding empty containers from paint, would it be possible for the trucks that collect from the blue boxes to omit one blue box pickup, perhaps once in two months or

three months, and get the paint containers instead? Another possibility would be to return the empty paint containers to the place of purchase, which I am sure they would appreciate greatly.

I see in a letter from the Metro works commissioner, dated December 3, 1991, that it is estimated that about 16.3% is presently retrieved by current methods of collection at what the commissioner states is a very high cost. His letter states, "If this program cannot achieve a higher percentage of recovery of household hazardous wastes at a lower unit cost, it should be considered for termination." I think that is shocking. Surely in this extremely dangerous and irreversible pollution of land, and eventually of lakes and rivers, we cannot allow cost to determine policy.

Speaking now of water pollution from toxic wastes, I would like to go for a moment beyond the jurisdiction of bill 143 to what I think is the area of the Ontario Water Resources Act. Large industries, such as pulp and paper mills, of which there are at least three in Ontario, and a company like Uniroyal in Elmira, a chemical industry, are serious polluters of our rivers and lakes. We think it is no longer utopian to realize it is environmental concerns that must determine economics and politics, not the other way around, and that we must act upon that realization, recession and deficit mania notwithstanding.

We were pleased to see in the *Globe and Mail* of January 17, 1992, that the British Columbia government has set new, tough controls and deadlines on pulp and paper toxic waste discharges, and that means technology to reduce the source, not just contain the discharge, and that industry foots the bill. We realize this water pollution has gone on for years and was permitted by previous governments not only in Ontario but in all of Canada, but environmental awareness is so much greater now that the pressure is on today's governments to take strong action. We hope Ontario will return to the tougher position it considered earlier in its mandate.

I realize the suggestions made here regarding batteries and paint containers are a small part of the problem, but many small bits can achieve a significant impact.

1630

**The Vice-Chair:** Thank you very much for a very thoughtful presentation. Miss Haeck is first for questioning.

**Ms Haeck:** I really appreciate the fact that you have taken some time out of your day to come here and give us your views. I am not sure if you had a chance to arrive somewhat earlier in the day, because there were a couple of other people whom you may have found some symbiotic relationship with. There was the Conserver Society of Burlington that raised some similar concerns as you have in your paper.

**Mrs Phillips:** I did not.

**Ms Haeck:** I would like to refer to page 2 of your brief where, under section 2 particularly, you raise some points around packaging. I am not sure if you are at all aware that the green dot system has been adopted in Germany as a means of identifying recyclable packages and packages that have to go back to the manufacturer in the same way as you suggest with paint cans. How would you feel about



a broad, very general application of that kind of system in Ontario?

**Mrs Phillips:** It would be good because it would place considerable onus upon the manufacturers to limit the toxic material to the greatest possible extent and probably a much greater extent than they are presently doing.

**Ms Haack:** Yes. Obviously from your comments you are very much in favour of the 3Rs.

**Mrs Phillips:** Yes.

**Ms Haack:** Are you working in a community group to broaden the 3Rs in your area?

**Mrs Phillips:** We network with a number of organizations, one of which was here today, and we are members of It's Not Garbage. The "network" word in Older Women's Network is a reality, not just a word.

**Ms Haack:** Obviously you take a great interest in what is going on in society as a whole. Returning to the packaging issue, have you thought about any deadline, any time frames in which reducing packaging should take place? There is a national packaging protocol available, but currently it is primarily voluntary.

**Mrs Phillips:** I do not think the deadline can be the same for one industry or manufacturer as for another because it depends on the product and on the package, but I am very concerned that the manufacturers must feel there are teeth in such a thing. For example, just a week or so ago I was going to buy something at a Pharma Plus drugstore near me but did not because I told them I did not like the packaging. I went across the road to an individual drugstore and he had it in a non-waste-causing package. I bought it and I took it back to the drugstore. I think there is quite a bit individual people can do.

**Mr McClelland:** I just want to make a comment about the name of your organization. It is certainly young in spirit. We appreciate it and appreciate your being here. You talked about rechargeable batteries. One of the great solutions is that everybody should have a five-year-old child live with them for a week or two and they would certainly be into using rechargeable batteries to survive financially. Thank you very much for being here today. We appreciate the spirit you embody and bring and we look forward to the future and to our kids' future as well. We thank you for that.

**Mrs Phillips:** Radio Shack told me that the people who use the rechargeable batteries almost more than any other are the children who have toys that need them.

**Mrs Marland:** I want to also congratulate you on being here today. It is wonderful you are so committed and actively interested in the environment and the conservation of the environment. Where you say that you think your suggestion regarding the batteries and the paint containers is a small part of the problem, I want to give you a suggestion because I, like you, think small parts make up a very large whole, and I think it is an important part you are addressing.

I have made this suggestion now to both ministers of the Environment and have not had a response from either the Liberal or the New Democratic ministers. I am going

to suggest that maybe you could do this through the school boards. My suggestion is that schools, especially at the elementary level, the age when battery-operated entertainment devices and toys are most heavily used, every three or four months have a day when the children would be encouraged to bring their old batteries to school. Then the school could look after taking them to a hazardous waste disposal location. The educational aspect and the awareness that creates in the children will eventually lead them to be adults who are not like us, as we have been so abusive throughout our generations with batteries and paint cans. I am not suggesting this for paint cans, but I think the suggestion about the batteries would be great and it would be great if that suggestion came from you to the school boards.

**Mrs Phillips:** I used to teach in North York. I phoned the North York board just to see what kind of environmental program they have. I had also phoned previously. They have an extensive environmental program and they make the children aware that what they want is not just an intellectual realization of environmental issues, but action.

**Mrs Marland:** That is great.

**Mr Wiseman:** California is in the process of working towards banning all solvent-based paints. That is a market that should be viewed as probably the toughest regulatory market in North America. Cleaning solvents and that market are also being tightened up. It is with respect to what you can use to clean paint brushes and so on. All solvent-based, petroleum-based products are being banned.

As a way of handling batteries, in my constituency they have igloos and on the side of the igloos are places for batteries to be deposited to be picked up to be recycled. Why would anybody throw any paint away? Why not take it to an exchange place where people who are looking for paint can come and pick up what is left over and take it home and use it?

**Mrs Phillips:** Very often it is the empty can, not the partially empty can.

**The Chair:** Thank you very much for your presentation today. We appreciate your appearing before the committee. If there is additional information you would like to share with us, you can do so by communicating with us in writing over the course of our hearings. Thank you.

1640

#### UNITED STEELWORKERS OF AMERICA

**The Chair:** I would like to call next the United Steelworkers of America. Please come forward and introduce your delegation. You have 20 minutes for your presentation and we would appreciate it if you would leave a few minutes at the end for questions from committee members. I understand the driving is bad. You came in from Hamilton? Is that the latest traffic report? We are glad you are here and got here safely.

**Mrs Marland:** That's through Mississauga.

**The Chair:** I understand the traffic is never bad in Mississauga and that the weather is occasionally bad in Mississauga. Is that correct, Mrs Marland?

**Mrs Marland:** That is correct.

**Mr Hynd:** My name is Henry Hynd and I am the director of the United Steelworkers, District 6, which is Ontario. The United Steelworkers of America appreciates this opportunity to comment on Bill 143, An Act respecting the Management of Waste in the Greater Toronto Area and to amend the Environmental Protection Act.

Our union represents over 75,000 workers in Ontario and we share and support this government's commitment to achieve waste reduction targets. Strong initiatives designed to divert waste from landfill by enhancing efforts to reduce, reuse and recycle are necessary and long overdue. It is our hope Bill 143 and its regulations will provide a model in this country for the development of effective waste reduction strategies.

Our union in Ontario represents workers in a wide variety of environments including steel mills, container production facilities, mines, resource refineries, chemical production and nuclear facilities, offices, nursing homes, hotels, hospitals and financial institutions.

Employed in some of the most dangerous occupations, working frequently with hazardous materials, the United Steelworkers have fought hard for strong health and safety regulations to protect workers. When we talk about workers, we include their families and communities. As such, our efforts also address the environmental and job protection measures to maintain healthy workplaces and communities.

For example, a joint labour-management environment committee at Inco in Sudbury is looking at measures to reduce waste and pollution while maintaining a viable, competitive and productive operation. In the steel and container manufacturing sector, research is under way to look at effectively closing the loop on steel containers, ensuring maximum recovery and recycling of steel products and waste and, in turn, maximum diversion of this waste from landfill sites.

It should then be understood that our participation in these hearings is motivated by a deep conviction that we consider environmental protection legislation as both workers and environmentalists.

This is particularly true in these economic times. As we have said in consultations with the waste reduction office, we must develop long-term strategies towards prosperity that are environmentally, socially and economically sustainable. Measures to manage and reduce waste cannot be developed and introduced without the full participation of workers and their organizations.

This bill provides an approach that, implemented effectively, will place increased responsibility for waste reduction plans on municipalities, communities and employers. While we support the intent of the bill, we urge you in your deliberations to, as we have done, look at improvements to:

1. Increase and guarantee the participation of workers, their organizations and community groups in discussions and decisions about waste management and waste reduction plans;

2. Ensure adequate public information and education programs;

3. Ensure public ownership and operation of landfill and waste management sites;

4. Ensure adequate review of waste reduction plans in light of long-term targets and objectives to reduce waste.

The Interim Waste Authority and waste disposal sites: Parts I, II and III of the bill provide a mandate for the Interim Waste Authority and the management of landfill sites in the greater Toronto area.

There is no question that the current crisis in the greater Toronto area requires special attention and care. We support objectives of the Interim Waste Authority and sections in the bill to restrict environmental assessments from considering alternatives of incineration and export of waste from the greater Toronto area, as an example, a proposal to export waste to the Kirkland Lake area. Our organization, the Steelworkers, has some support for that among our members, but there are also members who oppose the transportation of our waste to the Adams mine site in Kirkland Lake, and there are those who would prefer that an environmental study be done before any decision would be made on the transportation.

Of course, it is a difficult thing for our union. Kirkland Lake is an area where we have lost a lot of members. A lot of mines have closed and therefore there is the economy: How do workers replace the employment they have lost in the mines? That is a difficult issue for us to address, but we are addressing it as best we can.

Like many taxpayers and groups that have appeared before you, we are encouraged by attempts to finally coordinate waste management and reduction efforts, not only in the greater Toronto area but throughout the province. However, strengthening and expanding the mandate of the Interim Waste Authority may help to develop a long-term integrated plan for the GTA and provide other municipalities with a model of how to establish and maintain effective waste management facilities and programs.

For example, while restrictions on environmental assessments should encourage accelerated efforts to reduce, reuse and recycle, we are concerned that residents and municipalities may not have the resources to responsibly achieve waste reduction targets. Although other pieces of legislation outline a process for environmental assessments, given the additional responsibilities placed on municipalities in this bill, there clearly need to be more resources set aside to inform, educate and involve taxpayers in the decisions about landfill and waste management sites.

While part IV of the bill provides for funding and research of demonstration and experimental programs to reduce, reuse and recycle, it seems apparent that additional and immediate resources are required in the greater Toronto area to minimize current waste flow to landfill and maximize diversion from future sites. We therefore support sections in the act that provide for planning of landfill sites in light of estimates of the capacity of other waste reduction initiatives to divert waste from landfill, but in addition we would further support measures building on this coordination that may enhance the role of the waste authority to recommend immediate funding of facilities and programs to reduce waste flow to existing and future landfill sites.



Amendments to the Environmental Protection Act: Part IV of the bill introduces amendments to the Environmental Protection Act. It should come as no surprise that it is this section of the proposed legislation we see as most essential in developing a long-term effective waste reduction and management strategy for Ontario. It is also in this section that we would like to see amendments to ensure consultation with workers and their unions.

The United Steelworkers of America represents workers engaged in the manufacture of steel and aluminum containers. I am sure you are aware that enforcement of current regulations on beverage containers is currently under review. It has been our position that we cannot develop policies on beverage containers in isolation of broader packaging questions and long-term strategies to protect jobs and the environment in Ontario. Many of the amendments to the Environmental Protection Act will lead us in this direction.

As we noted previously, we are currently engaged in research to close the loop for steel containers. We believe it is possible within the steel sector, for example, to develop stewardship of steel products to ensure maximum recovery and diversion from landfill. Much of the steel produced in Ontario is dependent on scrap, and plans to develop future, less energy-intensive steel production facilities will be even more dependent on what can be collected for recycling. This is just one example of how we may see the amendments have the effect of reducing waste, as well as increasing productivity and sustaining employment.

1650

It is the effects on employment that lead us to strongly recommend the inclusion in this bill and its regulations of measures to ensure the participation of workers and their unions. Public policy to conduct waste audits and develop waste reduction plans in consultation with affected workers and their unions will help us to ensure that plans, for example, take into account possible training or retraining needs due to the introduction of more environmentally sound work practices and products. In addition, it is workers themselves who are working with the materials and products that may end up in the waste stream. As a result, they are often in the best position to examine and evaluate waste management practices, as well as to recommend how to improve work methods to reduce waste.

Participation of workers will also help to ensure more effective public education in our communities. Recently one of our members who works in the production of aerosol cans was confronted by her child, who had been taught in school that what her mother was producing was hazardous to the environment, in spite of the fact that the aerosol cans that are produced today are environmentally sound. You can imagine how ashamed and torn one feels when you are told by your child that your job is destroying her environment and that of future grandchildren. Unless workers are well informed, as in this example where the company converted some time ago to non-CFC, ozone-friendly spray mechanisms, it is difficult to respond.

Late in 1991 the Waste Reduction Office released Regulatory Measures to Achieve Ontario's Waste Reduction Targets: Initiatives Paper No 1. Amendments to the Envi-

ronmental Protection Act included in Bill 143 will allow the minister to implement measures included in its initiatives paper. The majority of Steelworkers members are employed in workplaces to be covered by these regulations. From offices and manufacturing sites to hotels and hospitals, employers will be required to prepare and maintain waste audits and work plans, as well as implement source separation of waste for recycling or reuse. A simple requirement to post a waste reduction plan in the workplace is not good enough. The United Steelworkers asks this government to include measures in the legislation requiring employers to consult with the affected unionized employees in their workplaces to develop effective waste audits and action plans.

Whether it is restructuring to increase productivity or restructuring to provide for cleaner and more efficient production, the importance of worker participation and investment must be recognized. As taxpayers, while we welcome amendments to assist in research and development of new recycling establishments, for example, we would also like some assurance from the government that priority will be given to funding sites and operations that are publicly owned and operated.

We know from examples like the blue box program and the Keele Valley landfill site that there are tremendous costs, as well as potential revenues, associated with waste management. Therefore, the minister should require that assessments for landfill sites and the impact of extending the life of existing sites, available to the public, include projections of costs and income. Moneys raised through these sites should be invested in local municipally and publicly run and operated recycling or composting facilities or other 3Rs projects. In turn, moneys raised through these facilities should be reinvested in projects to clean and protect our environment here in Ontario. If taxpayers are to have the responsibility for waste reduction and management, they must profit financially, as well as environmentally.

In closing, the United Steelworkers believes we have come a long way from the days of workers pitted against environmentalists. We all have a responsibility to protect the environment, and you, as our representatives in this government, have a responsibility for planning and coordinating programs to protect our environment. In our view, effective planning, implementation and enforcement of environmental protection legislation is completely dependent on the participation of people in their communities and in their workplaces. In this way we will achieve waste reduction targets.

We thank you for this opportunity to comment and look forward to the enactment and implementation of this legislation that will, we hope, enhance efforts to sustain employment and a clean environment here in Ontario.

**The Chair:** Thank you very much for your presentation. Mr McClelland, you have the floor. There are approximately six minutes in total for questioning. I would ask that you be as brief as possible.

**Mr McClelland:** I wonder if you would comment on page 6. You said there is a crisis. I draw to your attention that there is much debate about that, that most people involved in

the management of waste in and around Toronto suggest that in fact there is no crisis. We have heard a couple of deputations today and others on previous occasions say that the capacity of Keele Valley, by way of example, stretches at least until 1997. Then you go on to say you support the objectives of the IWA as set out in the bill to restrict environmental assessments, but you qualify it, "from considering alternatives of incineration and export of waste from the GTA."

First, apart from that last clause, "from considering alternatives," do you support the objectives of the bill to restrict environmental assessments absent that qualification?

Second, I am just wondering about your comment "enhance the efforts to sustain employment." There have been a considerable number of representatives from the private sector. I also acknowledge that you prefer a public-sector-run system in total, but a number of private sector organizations have said Bill 143 really calls into question our viability in the future in this province, perhaps putting thousands of people out of work. Whatever comments you might have would be appreciated.

**Mr Hynd:** I obviously disagree with the comment. To have an environment that is safe and provides some potential for a future in our country, I do not think, is an unwise thing to consider and certainly—

**Mr McClelland:** I do not think I suggested that.

**Mr Hynd:** I thought that is what you said.

**Mr McClelland:** No. Let's be very clear. The question is twofold: First, do you support the bill to the extent that it removes the environmental assessment process without the qualification that you added in your brief, and second, how do you feel about the fact that Bill 143, according to some people who should know, may put thousands of people out of work?

**Mr Hynd:** I could not comment on whether they believe that thousands of people are going to be put out of work. I think we can increase employment in Ontario if we develop safe waste management techniques.

**Mr McClelland:** So do they.

**Mr Martin:** I was intrigued by and actually I can identify a bit with your concern re the shipping of waste to the north. Certainly that option has been painted by some folks as a very attractive option for workers in northern Ontario. You know and I know that the government, the industrial sector and your leadership and membership are working very diligently to try to create new work in northern Ontario for the folks who live in the communities I live in. You said you had some difficulty as you struggled with that question, as I do. Perhaps you might want to expand a bit on what those difficulties are.

**Mr Hynd:** The difficulties are that, obviously, any opportunities for employment in the north are viewed initially as being positive. When one looks at the creation of employment, if that is the only question one addresses, then it is an attractive thing for people in Kirkland Lake, as an example. When one looks at the employment that is being created, then obviously there are different viewpoints in the community of Kirkland Lake and from peo-

ple in Toronto and throughout this province as well, that the transportation of excessive waste that is being produced and is not being reused and recycled poses a great many problems for people.

There are people in our union, in the Steelworkers in Kirkland Lake, who support the transportation of garbage to Kirkland Lake; there are those who are opposed, and there are those who would have preferred, in making their decision, to have an environmental assessment. All I can say is that from the union's point of view, we do not believe this is the road to go, where we fill land sites in major cities and then export our garbage outside to other communities. There must be a better way, and the better way is to develop as best we can the reuse, the recycling and better landfill opportunities for waste. As an example, we dump a great deal of newspapers in the waste landfill sites, and there are ways to recycle paper and replenish the land with newspaper. You can plow newspapers into soil and make it more fertile. We would rather do that than store garbage in some mine, which may or may not provide long-term sustainable employment.

The jobs we would like to provide are jobs that are long and sustainable. It is a difficult issue, but I think it is an issue we must come to terms with. I do not think we can say that we can keep filling land sites in major cities and building greater land sites, and then when we have accomplished that move the garbage out.

1700

**The Chair:** Thank you very much for your presentation today. We appreciate your coming before the committee to discuss Bill 143. All the committee members have received a copy of your written brief. If there is additional information you would like to share with us, please feel free to do that in the future through our clerk.

**Mr Hynd:** This is handy for everyone. Thank you.

**The Chair:** Everyone has a copy of that.

CANADIAN RESTAURANT AND FOODSERVICES  
ASSOCIATION

QUICK SERVICE RESTAURANT COUNCIL

**The Chair:** I would like to call our next presentation. Please come forward and introduce your delegation. You have 20 minutes for your presentation. We ask if you would leave a few minutes at the end for questions from committee members.

**Mr Needham:** Good afternoon. My name is Douglas Needham. I am president and chief operating officer of the Canadian Restaurant and Foodservices Association. Joining me is Patti Jameson, chair of the Quick Service Restaurant Council, which is a sector council of our association.

We would like to begin our presentation by telling you a bit about the foodservice industry, our two organizations and what we are doing to reduce waste. Then we will provide some specific comments and recommendations with regard to Bill 143.

The Canadian restaurant association is a national organization representing all sectors of the foodservice industry. We have 11,000 corporate members, who control 30,000 foodservice outlets across Canada. The foodservice industry



is a large and diverse sector of the Canadian economy and nationally we represent 4.5% of the gross domestic product, 5.2% of total employment and 6% of small business.

In Ontario, foodservice sales last year were \$6.7 billion and the industry provided employment for 160,000 residents. Ontario's foodservice industry includes 11 different sectors that feed customers in a variety of circumstances, ranging from fine dining to quick service restaurants, to institutional feeding in schools, hospitals, plants and offices.

The five largest sectors of our industry are liquor-licensed restaurants, which represent 29.6% of sales; quick service restaurants, which represent 20.5% of sales; hotel, motel and resort foodservice, which is 13.5%; institutional feeding, which is 10.2%, and takeout and delivery, which is 7.4%. Despite the high profile of large national chains, Ontario's foodservice industry continues to be dominated by independent operations, which represent 78% of foodservice sales in the province.

The foodservice industry grew very rapidly in the post-war period due to a number of factors including demographic, economic and regulatory changes, principally the rapid increase in the number of working women in our society, the growth of leisure and business travel and the relaxation of liquor licensing in the 1960s and 1970s. Our market share of the food dollar vis-à-vis grocery stores jumped from 18% in 1963 to 40% in 1989. However, in the past two years it has dropped back to 36%.

Ontario's foodservice industry has been devastated by a number of factors in the last couple of years, one being the recession, another being the GST on restaurant meals compared to the zero rating on groceries, the high Canadian dollar, cross-border shopping and other factors that have weakened Ontario's tourism industry. In 1990 real foodservice sales dropped 2.4% compared to 1989, and in 1991 real sales plummeted a further 19.3%. All sectors are experiencing negative growth, including the quick service sector, which traditionally has been somewhat resistant to recessions.

Both CRFA and the Quick Service Restaurant Council have been proactive in the campaign to reduce waste. We have endorsed the national packaging protocol and Ontario's waste reduction action plan. Most important, both organizations have committed resources and launched initiatives designed to help the foodservice industry to achieve those goals. Our association continues to work with both the federal and the Ontario governments to identify and implement solutions designed to reduce waste generated by the industry.

At the federal level, our association is working with Environment Canada and the Department of National Health and Welfare on the implementation of the national packaging protocol to ensure that it meets the realities of our industry. To give you just one example, it should be noted that the use of recycled materials in food packaging does involve health and safety restrictions. These have to be identified and defined so that they are understood by both industry and government.

In Ontario our association is working with the waste reduction office, providing input into programs such as the Initiatives Paper No 1. We have also accepted an invitation

from the waste reduction office to sit on the newly created strategy team for wet waste reduction, where we look forward to addressing organics, which are the single biggest category of waste generated by the foodservice industry.

At the municipal level, our members are actively supporting local initiatives such as the city of Toronto's new restaurant recycling program, in which glass, metal, plastics and corrugated are being diverted away from landfill.

Working with governments to define environmental goals and strategies is just one of our responsibilities as a national trade association. We are also communicating those goals and providing workable guidelines to our members in order to help them achieve these objectives. In addition to newsletters, meetings and conferences on waste management, CRFA has recently published a step-by-step guide on the environment called *Going Green Without Seeing Red*. This comprehensive guide, which has been provided to the committee, is being distributed to our members free of charge.

Now I would like to ask Patti Jameson, chair of the Quick Service Restaurant Council, to tell you a little bit about that sector council and to give our recommendations with regard to Bill 143.

**Ms Jameson:** I am here today as the elected chairman of the Quick Service Restaurant Council, but my real job is with Tim Donut Ltd, which is the licensing company for franchised Tim Horton stores throughout Canada.

The Quick Service Restaurant Council was formed by leading quick service restaurant companies with a mandate to meet or exceed waste reduction goals established by the federal and provincial governments. If I may, I would like to briefly outline the QSRC's activities before I specifically address Bill 143.

The first step for the Quick Service Restaurant Council is to gain an understanding of the quantity and nature of waste produced by our sector and to develop a strategy to reduce that waste. That process is currently being undertaken in a major research study which was awarded to Resource Integration Systems Ltd, a Toronto-based consulting firm specializing in waste reduction, recycling and composting.

Preliminary findings from the RIS study reveal that total waste generation by Ontario's quick service restaurant sector was 71,100 tonnes in the year 1990-91. That represents approximately 0.5% of the total waste generated in Ontario. The study found that in a typical quick service restaurant establishment waste was generated as follows in the back of the house, 59%; in the front of the house, 24%, and takeout packaging only 17%. In terms of composition, quick service restaurant waste was quantified as organics and food waste, 39%; other fibre, 37%; mandated source-separated recyclables, 14%; flexible plastics, 5%; rigid plastics, 4%, and other materials 1%.

With these and other findings, RIS is working with the Quick Service Restaurant Council to develop a waste reduction strategy that the sector will implement between now and the year 2000. That strategy is still in its formative stages, but based on the RIS findings it is quite clear where we must focus. Back of the house waste represents 59% of total waste. It is under the complete control of restaurant

staff and consequently it is where we can make the greatest impact on waste reduction. Individual members have already started working with their suppliers on the development of reusable shipping containers for buns, produce and meat deliveries and the elimination where possible of corrugated shipping containers and recycling programs for the remaining corrugated.

In terms of composition, organics, or food waste, is the single greatest category, representing 37% of total waste generated by an average quick service restaurant. This offers a solution based on composting. While this is in its infancy here in North America, we are already talking to composting companies about participating in a pilot project in the greater Toronto area.

1710

Packaging represents another kind of challenge to the QSRC. It is worth noting that 87% of packaging is fibre, with the balance being 11% polystyrene and 2% other plastics. Takeout comprises 55% of packaging and is where our initiatives are pretty well limited to reduction in weight and size. This will undoubtedly be part of our strategy for waste reduction. The remaining 45% of packaging is disposed of on premises where we can supplement our reduction program by the recycling of polystyrene materials and composting of fibre materials.

Now I would like to turn to our recommendations with regard to Bill 143. Our comments are limited to the portions of this bill that would amend the Environmental Protection Act. We are particularly concerned about the broad powers that would permit the regulation and/or prohibition of the sale and/or use of packaging, containers and disposable products. Both CRFA and QSRC are concerned that these broad powers to regulate and/or ban specific products by regulation may expose these products to arbitrary treatment. In doing so, that action could pre-empt other solutions and be counterproductive to the environmental goals of the province. The proposed amendments fail to define the criteria for exercising these powers, nor does the bill include an objective system of due process or appeal. In our view, the bill creates a situation where the potential for precipitous action or reaction, however well-intentioned, can arise.

Our collective experience with polystyrene is a case in point. This material became a lightning-rod for environmental concerns in the 1980s. If these regulations had existed, polystyrene might have been severely regulated or even banned. With time and patience, government and industry were able to make this material a desirable environmental product. CFCs were removed and a significant commitment was made to the collection and recycling of this material, with the result that polystyrene is increasingly being diverted from landfill. We submit that the polystyrene success story could have been different if the government had had the power to react to public pressure without due process and sober second thought.

CRFA and QSRC have similar concerns with amendments to the Environmental Protection Act that would grant powers by regulation to prescribe plans for waste management and require waste generators to seek approval for waste management plans, implement those plans and

achieve waste management objectives as specified in the regulation. We are concerned that these broad powers could generate arbitrary regulations governing waste audits, waste management and waste reduction objectives, above and beyond those specified in current federal and provincial goals. Again, the proposed amendments could lead to rash and reactive measures against specific industries without the benefit of due process and appeal.

It is the position of CRFA and QSRC that the guidelines contained in the national packaging protocol and Ontario's waste reduction action plan represent a fair and equitable response to waste reduction. Industries that can and do meet these goals and contribute their share towards waste minimization should be permitted to operate in a stable and predictable environment without fear of arbitrary regulations and/or bans aimed at specific products or industries.

In conclusion, it is recommended that the foregoing amendments be withdrawn from Bill 143 or, at the very least, that an objective system of due process be incorporated into the legislation in order to protect industries and businesses from arbitrary and misguided regulation.

**The Chair:** Thank you very much for your excellent presentation. Mrs Marland, a question? We have approximately eight minutes in total. I ask that you be brief with your questions.

**Mrs Marland:** I congratulate both these presenters. I think it speaks very well for your industry that you are here today on behalf of your industry, and I may say on behalf of the public, because we are dependent on how you do business to maintain our health and safety in your establishments. I am certainly aware of Tim Horton and the standards it maintains. I think it is great, Patti, that you hold the position you do with that particular company.

**Ms Jameson:** Thank you.

**Mrs Marland:** But it must really frustrate you to hear what some of the possibilities may be with these regulations, while at the same point you know the public is expecting you to protect it. You must wonder if rubber gloves, because of the fact they are so difficult to dispose of, may end up being one of the things that could be reversed by a dictatorial government that decides, "It's too much waste and it's not going to be included in your waste audit." That is an exaggeration, but I am wondering if you would be willing, as representatives of your industry, if you were asked or were invited by the ministry, to sit down and work out regulations that minimize the waste, which is the goal of all of us, but still protect the people who eat in your establishments.

**Ms Jameson:** Absolutely. We would very much welcome that kind of input and participation. That of course has to be our biggest concern in running a food service establishment, ensuring that we are giving the public what it deserves. To have an input in that kind of regulation so we ensure that we are able to run our operation in the way that will best serve the public, we would welcome and would want to do so very much.

**Mrs Mathysen:** Thank you for coming. I think your concerns about arbitrary regulations are quite reasonable



and I was glad you had been involved in the consultation with Initiatives Paper No 1. I have a couple of quick questions. Are all companies following the national packaging protocol, and second, if they are compelled to follow this protocol, would it not make it fair, would it not make a level playing field so you could compete and do business in a more equitable way?

**Ms Jameson:** The answer to the first part of your question is that certainly all the members of the Quick Service Restaurant Council are endeavouring at all levels of their operations to met the Napp regulations. Obviously there are difficulties and costs involved in getting through some of the obstacles to actually meet those objectives, but I believe we are putting forth, as an industry, a tremendous effort in coming up with new and innovative ideas and am working very closely with all the suppliers to our industry to ensure we can put the proper processes in place to meet those requirements.

**The Chair:** One more question, a quick one, from Mr Sola, and then you can complete your response.

**Mr Sola:** I took a quick glance through your booklet, *Going Green Without Seeing Red*, and I noticed you have a waste management action plan, the first step of which is a waste audit. Since you did not comment very much on the mandatory waste audit requirements of Bill 143, I am wondering what effect or what impact that would have on your industry.

**The Chair:** There is about two minutes in total remaining. We would appreciate your response within that time line.

**Ms Jameson:** I think that with waste audits we understand, as an industry, in the QSRC that they are necessary. We have conducted them ourselves to show us what waste we are generating. But as far as waste audits to be conducted in conjunction with the regulations that are coming about are concerned, we have to ensure that they can be simplified so that not only the members of our group that

belong to chains can respond correctly to those audits, but we also have to remember the members of Doug's association who are small independents who perhaps do not have the resources behind them to be able to understand and clearly follow the implementation of what comes from those waste audits.

**The Chair:** Thank you very much for your presentation before the committee today. We have had three full weeks of hearings now. This is the conclusion of the third week. I think I speak for all members of the committee when I say that we have had very interesting presentations and that the hearings have been productive. Next week we will be travelling. Our first day is in Sudbury and then we go to Kirkland Lake, Kingston and finish the week in Sarnia. I want to thank you for appearing before us today and say how much we appreciated your coming before the committee. If there is any information you or anyone watching these hearings would like to share with us over the course of our hearings, please feel free to communicate with us in writing.

**Mrs Marland:** I wonder if we could have a response to a question I will place on the record to the minister through the parliamentary assistant, and that is the obvious interest and opportunity of Mr Douglas Needham, on behalf of the Canadian Restaurant and Foodservices Association, and Ms. Patti Jameson, on behalf of the Quick Service Restaurant Council, and their offer to work with the ministry and with the minister to develop regulations that would protect the public while minimizing waste. Would you respond to these two people about their offer to work with you, please?

**Mr O'Connor:** I think that is very kind of you and I am sure the ministry and the minister will look forward to having some input.

**The Chair:** The standing committee on social development stands adjourned until Monday morning in Sudbury.

The committee adjourned at 1725.

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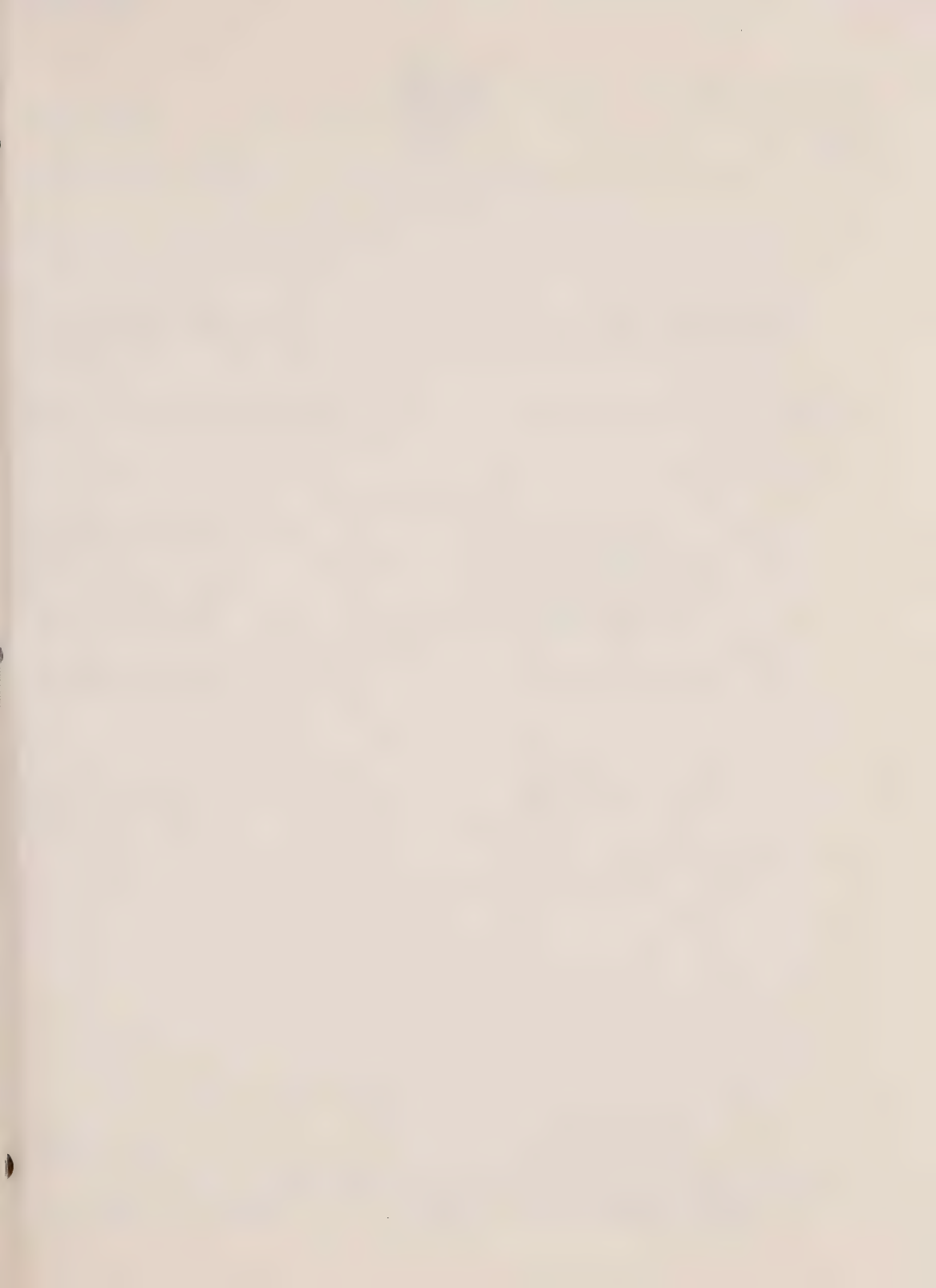
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## Assemblée législative de l'Ontario

Première intercession, 35<sup>e</sup> législature

## Official Report of Debates (Hansard)

Monday 17 February 1992



## Journal des débats (Hansard)

Le lundi 17 février 1992

## Standing committee on social development

Waste Management Act, 1991

## Comité permanent des affaires sociales

Loi de 1991 sur la gestion  
des déchets

Chair: Elinor Caplan  
Clerk: Lynn Mellor

Présidente : Elinor Caplan  
Greffière : Lynn Mellor

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# LEGISLATIVE ASSEMBLY OF ONTARIO

## STANDING COMMITTEE ON SOCIAL DEVELOPMENT

Monday 17 February 1992

The committee met at 0903 in the council chambers, Sudbury.

### WASTE MANAGEMENT ACT, 1991

#### LOI DE 1991 SUR LA GESTION DES DÉCHETS

Resuming consideration of Bill 143, An Act respecting the Management of Waste in the Greater Toronto Area and to amend the Environmental Protection Act / *Projet de loi 143, Loi concernant la gestion des déchets dans la région du grand Toronto et modifiant la Loi sur la protection de l'environnement.*

**The Chair:** Good morning, everyone. I see a quorum. The standing committee on social development is now in session. I see some familiar northern faces.

I have a couple of housekeeping announcements. We remind all committee members to please keep all their airline stubs. Do not throw them away and make sure you give them to the clerk. They should be attached to the expense reports that are handed in at the end of the week. Did everyone hear that? All expense stubs, particularly the airline ones, but if you get any hotel or other stubs—taxis, that sort of thing—they should all be attached to the expense report. If you have any questions about it, please talk to the clerk.

I would like to thank Sudbury for the use of this very fine facility and say that we look forward to a day of very productive hearings. We are all pleased to be here in Sudbury, and I know I speak for all members of the committee when I say we had a good flight in. I think this building is located in Ms Murdock's riding. I know how proud you are as the member to have this wonderful facility in your riding and we are pleased to be here and to acknowledge that.

### FEDERATION OF NORTHERN ONTARIO MUNICIPALITIES

**The Chair:** I will call on our first presenter, who has one hour for his presentation, Bob Gray, past president of the Federation of Northern Ontario Municipalities. He is one of those familiar faces I referred to a moment ago. Welcome, Bob, and we would ask if you would leave time, as part of your presentation, for questions and discussion with committee members. I know you have appeared before legislative committees numerous times, so this will be just another easy task for you.

**Mr Gray:** Thank you, Madam Chair. Appearing before a legislative hearing committee is never an easy task, no matter if you have the wisdom of Job and Solomon. I am assuming all members have a copy of my presentation in front of them. I will be referring to it, in fact repeating some of it and occasionally adding to it with verbal input, which I am presuming will be on the record; some of the things I want to say are not written.

Before I do that, I want to briefly encapsulate my credentials for some of you who do not know who I am. My background is in northern Ontario. I grew up here and I have worked at a variety of interesting jobs which have taken me into every nook and cranny of northern Ontario, including Hudson Bay and James Bay. A lot of the work I have done has been of a community developmental nature, community mobilization activities, and except for sojourns into undergraduate school, law school and graduate school, and a brief effort at trying to work in the juggernaut, I have spent all my life here. Since I have now reached the age of 54, it dawned on me the other day that is a little bit more lifetime than I would probably like to have at this point.

In my work and travel around northern Ontario, I have had ample opportunity to talk with—and listen to, primarily—every conceivable interest group and kind of citizen it is possible to find up here. In the last 15 years I have had a number of responsible positions through elected office and also through volunteer boards and commissions. I am presenting this to you because I want you to be aware that I truly do know the north. I would venture to say that I probably know the north in all its complexity and diversity as well as anyone in the north.

Having established that, and you of course may test that in questions subsequently, I want to take an opportunity to expand for you the knowledge references you have with respect to the Federation of Northern Ontario Municipalities. I should also point out that it says at the beginning of the paper that I am also the chairman of the Nipissing East Community Opportunities program, which is a community futures committee in Nipissing East district.

FONOM is a federation of all municipalities in northeastern Ontario. As a group it represents approximately 165 municipalities and a population of approximately 600,000 people. Our geographical catchment includes the districts of Parry Sound, Nipissing, Sudbury, Timiskaming, Cochrane and Algoma. It is a vast area, as you well know, containing hundreds of communities. The communities are varied in size and range from sparsely populated and unincorporated townships and hamlets such as Rutherglen, for example, to very large urban regional municipalities such as Sudbury, where we are today. In the south, Parry Sound is 150 miles from Toronto. In the north, Fort Albany is 900 miles away. In the east, Mattawa is 290, and in the west, White River is 600 miles away. It is important to remember that as a federation of municipalities, we are governed totally by the fact of this huge geography and by the diversity of its population distribution and concentration.

### 0910

Yet another critical fact, which dominates our very existence, is the reality that most of the population lives in single-industry and/or resource extraction industrial regions.



Our municipalities therefore face—and I want to emphasize this for the community—boom and bust economies with discouraging frequency and despairing longevity. I would put it that we face this far in excess of any other region of this province, particularly of the Golden Triangle.

Do the names Kirkland Lake, Hearst, Kapuskasing, Moosonee, Iroquois Falls, Latchford, Temagami, Sturgeon Falls, Elliot Lake, Sault Ste Marie and Wawa, to name but a few, mean anything to you? Every single one of these communities in the near past has been dealt a major, crippling economic blow through either the loss, shutdown or downsizing of industries upon which they survive. In fact, in the case of Elliot Lake and Sault Ste Marie, communities are facing the very brink of extinction.

Our job is to assist our sister communities and in unity gain strength to achieve solutions to the problems posed by blocks and barriers that hinder the maintenance of our level of comfort and lifestyle. Occasionally we venture forth and engage in lobbying, sometimes even successfully, for development and growth in our regions, with our juggernaut neighbours to the south. When I use that term, I am referring to Metro Toronto and, of course, the provincial government which is located right in the heart of it. A threat to one community in FONOM is a threat to all, and when a threat is perceived, then we expose that threat, or try to. We try to confront it within the parameters allowed to us and to fight tenaciously, obdurately and unceasingly until that threat is removed.

The Federation of Northern Ontario Municipalities views Bill 143 as precisely that kind of threat.

The elements in the bill that are of major concern to FONOM are, first, respecting the waste management responsibility. There has been a tremendous backlash regarding the lack of consultation in drafting the present legislation. I cannot emphasize too strongly the depth of the anger over the lack of consultation, and it is a kind of anger that is not going to disappear. AMO itself was not consulted prior to the bill being introduced. It is evident that we in the north were not consulted and the GTA was not consulted.

Specific parts of this legislation seem directed at the greater Toronto area. It is a fundamental departure from historic relations between the provincial government and municipalities. This deviation will allow the government to assume unilateral authority for a responsibility that has been traditionally and legally overseen by municipalities.

There has never been legislation introduced by any government which did not become a precedent for future governmental action to assume greater powers or inflict the intent of that legislation on other areas in the years ahead.

The government of Ontario should not be getting into the waste disposal business of this province, whether in the GTA or in northern Ontario. The minister cannot—and in parenthetical observation, refuses to, perhaps—specify where the Interim Waste Authority's powers begin and end.

Northern Ontario was not consulted on the implications of this bill. We in the north have problems concerning environmentally safe landfills and these problems are

as serious as those faced by Metro. Some of the communities in the north have been engaging in environmental assessments for landfills for up to five years now and have spent three and four and five times their original budgets and still do not have satisfactory responses. Efforts are being frustrated by these municipalities and by a minister who refuses to complete the review of the existing environmental assessment process. Instead, we see a minister who is preoccupied with new legislation, introduced without any rational process we can perceive for submitting it to review for legislation or to the municipalities that will be effected.

I want to emphasize that FONOM cannot and will not accept this as reasonable and equitable legislation.

As far as the act itself is concerned, it has been and will continue to be a difficult and demanding process, at least until we see the results of the ongoing review. However, the act evolved from the need in the province to protect the rights of people and the environment of Ontario.

As a municipal organization, we are astounded that the minister can, with one piece of legislation, attempt to override provisions of the act which have historically provided protection to communities and their citizens. The precedent being established by the minister, or attempting to be established by the minister, in ruling out the evaluation of alternatives for the waste management facilities in the GTA, is unacceptable to any citizen or municipal government.

This committee may note that Bill 143 does not specifically affect northern Ontario. For FONOM, however, to ignore the implications of the bill for northern Ontario would be irresponsible. This is provincial legislation, introduced by the provincial Ministry of the Environment, and it will clearly set provincial guidelines. It is not a stretch of anyone's imagination to hear the minister tell the region of Sudbury in the future, "We made Metro find a site in its backyard, so why should you be any different?"

This legislation's intent rules out the fact that a safe site may not exist within the GTA or the region of Sudbury and also rules out a safer alternative being considered. It flies in the face of what I have previously known as common sense and logic.

We support completely the objections to Bill 143 voiced to date by the regions of the GTA and many other municipalities, because it is just the thin edge of a wedge. The legislation will affect all of the province in the years ahead, and we cannot accept a bill that ensures the removal of citizens' and municipalities' rights. This bill sets a dangerous scenario where legal statutes, such as the Planning Act, the Environmental Protection Act and the Municipal Act, assume secondary influence subservient to this legislation.

Bill 143 is completely unacceptable to FONOM. Its intent is odious; its process is odoriferous. I do not know if I could make that point a little more clearly.

**Mr Cousens:** I do not think you are making yourself clear at all. Madam Chair, this is a good way to begin the Sudbury hearings.

**The Chair:** There is a rule, Mr Cousens, that you cannot interrupt a presenter. This is the beginning of our week

travelling on the road and I would really appreciate it if you maintained the same very good conduct.

**Mr Cousins:** It is a good way to begin a week, though.

**The Chair:** Bob Gray always presents to committees in a way that I think is appreciated by all committee members, and the fact is that his use of words and language sometimes is provocative. Having heard him before, I know you will enjoy his presentation much more if you do not interrupt him.

**Mr Gray:** Madame Chair, I concur entirely, because I would never have the opportunity to interrupt him on the floor.

The Ruth Grier commandments: Perhaps this is unfair, but we in the north have identified Ruth Grier, the minister, as the culprit, if you will, but I do not think she is alone. Other ministers, particularly those from the north, are equally to blame for the present state of affairs with respect to Bill 143. However, the Minister of the Environment, with this proposed legislation, eliminates the evaluation of alternatives for the disposal of waste, specifically incineration and movement to another jurisdiction or community.

Historically the Environmental Assessment Board made these decisions on behalf of the citizens of the province in order to protect our environment and the rights of all the people. Now we see before us a single minister deciding for all the people that the final solutions will be without any consultation whatsoever, and certainly without specific consultation with municipal governments heretofore charged with the responsibility for managing waste disposal under the rigours of the Environmental Assessment Act. This is totally unacceptable.

0920

Indeed, it is incredible to me that this unprecedented invasion of the principles of fairness, equity and due process has proceeded thus far. We are faced with a situation where this bill was prepared by the Minister of the Environment, introduced by the minister responsible for the greater Toronto area and will be implemented, if passed, by the IWA, a crown corporation created by the minister, a corporation with powers she cannot or will not delineate—an astounding situation. The abuse of power implicated in this legislation, the conflict of interest in its intent, the clear direction that allows for the minister's own agenda and personal priorities to dominate is clearly anathema to democratically elected municipalities in the north, or for that matter the rest of the province.

I would like now to turn to our view of the legislation as a direct threat to the north. This proposed legislation is a denial of the rights of the municipalities of the Kirkland Lake region. It also undermines the economic stability of the Ontario Northland Railway. There is a rejection by this government of new economic strategies that will replace our depleted and depleting industries and relieve the terrible bust economy we are presently trying to survive.

I would briefly like to review, ad libbedly, the following with the committee: You have attached to this a resolution that was passed by FONOM—I am not going to read

it; it is there for your perusal—which was presented to the AMO resolutions committee and accepted with the amendments noted at the bottom.

Essentially it specifically zeroes in on Adams mine recycling and the failure of due process for those people signing that agreement. This was presented at FONOM's annual meeting in May 1991 here in Sudbury. Many government ministers attended, and after that meeting I, as president, was charged with the responsibility to see that the intent of the resolution was communicated in the most effective way to the appropriate ministers to whom we relate.

Subsequent to the resolution, I had occasion to speak privately and personally with those ministers you see listed below. In fact during the FONOM annual meeting on the last Saturday, when Floyd Laughren came and spoke to us, the proposition was put to him that by excluding the GTA and the Adams mine recycling project, he was denying due process before the Environmental Assessment Act. I want to put on the record that the minister agreed with that statement publicly, and in fact offered what could only be perceived as an apology for his government's handling of the whole affair. We had some hope that he might have taken this back to cabinet and that we might have seen some relief in the antagonistic and entrenched stance against this agreement. That did not occur.

I have had several occasions personally and privately to put the case of FONOM and all the municipalities it serves before the Minister of Northern Development and Mines and I tried to do so in a non-combative and a quiet, interactive manner. In fact, I even said on a couple of occasions specifically to Ruth Grier, the Environment minister—after AMO's meeting with the cabinet last September, I took her aside and told her I wanted to speak to her privately and quietly, face to face, so that I did not have to go before the media and throw out all this business. I said to her I did not even want to be defensive about it. All I wanted her to do was listen to me and hear what the north had to say to her and for her to look for a way to change her mind and not lose face.

I think that as president I acted very responsibly in not trying to embarrass government ministers. I communicated privately with all of them, and every single one of them clearly understood what I was saying and yet we have no action whatsoever. So here we are. I guess this kind of brief to you was inevitable.

I have done a great deal of work with the Ontario Northland Transportation Commission over the years and I have the ear of and access to many of the 14 unions that form part of the labour component of the ONTC. I have access to all its officers, both appointed and paid. I want to briefly comment on some of the notes I have jotted down.

Peter Dymnt was a keynote speaker at the FONOM annual conference. At it, he pointed to the historical role of the ONTC in the development of the northeast and indicated the willingness of the ONTC, indeed the desire of the ONTC, to continue to lead and to work in partnership for economic development in the northeast.

My understanding of this agreement, this proposal, this idea on Adams mine recycling and Rail Cycle North is that



this would have meant for the first time in history the shipping of new materials or raw resources north, reversing the trend. Over the years, historically, for every five cars that have gone from the north to the south full, one has returned full. The other four have come back empty.

It is not a twist or extortion of historical fact to tell you that a lot of the great enjoyments in the Golden Triangle have been built and supported by the extraction of resources from the north, with little, if any, return on that flow of economy. So the shipping of raw resources would have meant a reversal of that trend, and for economic purposes, I think "raw resources" is the appropriate term.

The Adams mine recycling project was the first opportunity to bring product north for secondary and tertiary industrial development and economic stimulation so that we could break out of this primary industrial and primary economic phase we are in which produces nothing but a boom-and-bust economy and raw-products-extraction industries.

It would have had some significant impact on the transportation infrastructure, on the economic infrastructure and on the research and development potential that I think so richly reposes in the north.

0930

All the elements for this agreement were in place. We had an agreement between the GTA and willing hosts. We had the support of by far the vast majority of northern Ontario. We had an agreement between the ONTC and CN in place. We also had an agreement that would have had a salutary effect on all the communities of the north, in that North Bay, which is presently having a terrible problem trying to find a landfill site—they found one; they cannot get it approved—would have been able to access Rail Cycle North, and others of us would have been able to.

The spinoffs of this deal would have included a healthy ONTC, which would not have had to lay off significant numbers of workers as it has had to do in the past few months. It would have meant, I think, about \$12 million net to the ONTC. It would have created a research centre whose limits were essentially limitless. It would have contributed to the education and knowledge of environmental protection. It would have enhanced other industries, particularly extraction industries. It would not have been, I think, a far reach to see various kinds of small plastics extrusion industries, environmentally safe, growing up around this whole thing. It would have reconfirmed the ONTC as the hub for rail development in northern Ontario. It would have guaranteed the viability of the north-south rail link, which I believe is seriously threatened at this moment. It would have meant training for personnel to operate various aspects of the program.

The ONTC at present has spent approximately \$500,000 dollars on research on this project. It might have had the capability of restoring some of the communities of the north back to their former stability and standard of living. It would have meant a tremendous boost to North Bay in terms of the maintenance and manufacturing capacity of rail cars. It would have established, I think, some very far-reaching possibilities for a northeastern Ontario transportation venture.

The ONTC is of course a crown corporation. As such, they are not politically very smart if they say anything about the negative implications of the failure of this agreement to go forward. But I can say some things. I do not think it is any secret to anybody that the failure to move ahead with this agreement and the restrictions that have now been placed under the aegis of Bill 143 have seriously limited the future potential of the ONTC.

I can come back to page 6 of my prepared text, under "Conclusions." We are aware that there are no immediate short-term answers to the issue of waste disposal or to the real crises facing all of the communities of the north, which are how to stimulate our economies, how to diversify and how to attract new development.

There has been no response to our charges of denial of due process, made last May directly to Floyd Laughren, by circumventing the Environmental Assessment Act in this case and by refusing to allow an EA review of the Adams mine project. What I have seen in the past year is a refusal to discuss this issue in public and I would like to know why there has been no discussion.

The situation has resulted in our appearance before you, hat in hand, asking for justice from this committee. The policies of the Environment minister lead us to this inevitable confrontation. The Liberals and Conservatives who now, interestingly enough, have leaders from northern Ontario have taken the time to review and listen to the merits of the Adams mine, Kirkland Lake project. They are, however, in opposition.

The NDP, including members of this committee, does not appear prepared to listen to legitimate criticism. In my experience, the members of the government ignore information, do not listen to divergent views, yet support borderline opposition from those who have only limited credibility or represent narrowly focused, single-interest groups.

The wishes of the vast majority of municipalities and people of the north are in support of the GTA-Kirkland Lake agreement for the transportation of solid waste. Are the government members of this panel going to vote the party line in clear opposition to these wishes? If maintaining party solidarity is the hidden agenda of the government members of this panel, then this panel will fail to demonstrate the democratic intent of public hearings on bills before the Legislature and will have failed the people they are elected to serve and listen to.

I want to assure you that the north will not accept any recommendations from this panel based on this attitude. We will fight against any member of the government or any minister who promulgates legislation that has been labelled anti-civil-rights, anti-environment, anti-economic-development, anti-scientific and anti-democratic, to paraphrase Eldred King, chairman of York region. I might also add parenthetically that I too strongly believe this bill represents all of those odious features. The reason I quoted him is because he must have been reading my mind. Let me also make it clear to the panel that support for the Kirkland Lake project is widespread in the north. It will continue and even grow in importance to the north if this legislation is passed in its present form.

Attached you are going to see some very specific letters with respect to the Rail Cycle North, Adams mine recycling project. We have a second letter from FONOM, on top of all of the others that have gone forward. We have a letter in support of it from the community at Espanola. I did not bother putting them all in here. We have a letter from the city of North Bay, which as I indicated to you has a serious stake in the whole process. There is even a second letter of support from Sault Ste Marie, and there is a copy of an advertisement from the Canadian Auto Workers union representing Ontario Northland, Local 103. They will be following me this morning. They felt strongly enough about the denial of access and justice that they took this and advertised it through the media, an unprecedented step. There is nothing, in my opinion, that more clearly illustrates how this government has lost touch with northern Ontario than the need for a union to advertise across the north to get support to oppose this legislation.

Finally, this government is wrestling with new industrial strategies for the province as a whole. Its options in the north are extremely limited because of our geography, our population and our traditional resource-based industries. Moreover, the pot is running dry. There is a limit to the amount of money available for the provincial Treasury to bail out or support northern industries and communities. In fact, we do not want it. We want to be able to generate our own industries under the same kinds of access and fairness and equity that exist in other parts of the province.

0940

Please hear me on this point. I do not know how much more emphatically I can state this. Danger signs are growing in the south, with the same implications. You are all too familiar with the present state of the economy. The government must then accept right here today, and tomorrow in Kirkland Lake, the responsibility for denying the north its right to find its own solutions. We have opportunities to be part of a new and growing sector in industry. Kirkland Lake has a firm agreement that will guarantee northern recycling, research and development, job creation and long-term economic stability.

The government has a focus on environmental industries. This is an environmental industry, and the north has the experience, the energy and the initiative to make it happen. Please let us. Take this message to the government, to the minister. Take it to heart, Minister, and take it to heart yourselves. If you deny the north this opportunity to have this project evaluated beforeheths legally constituted entity, the Environmental Assessment Board, a project that has been created in partnership with the GTA, then you and your government must accept responsibility for the continued lack of growth and opportunity in the north.

Moreover, take to heart, especially the northern members, that the north, our municipalities and our residents, are more informed on this issue than ever before. We will not forget and we will not accept anything less than an opportunity for this project to be reviewed as it should have been, without imperial intervention, before an environmental assessment hearing. Thank you.

**The Chair:** Thank you very much for an excellent presentation. As always, we are pleased to have our visitation from FONOM and delighted that you are able to be here this morning, Bob. We have approximately 20 minutes available. What I thought we might do is ask each of the caucuses to take about eight of those minutes and then leave five minutes for Bob to sum up at the end, if that is acceptable to everyone.

**Mr Wiseman:** That adds up to half an hour.

**The Chair:** That is not correct; eight is too much. Five is what I had in mind. That will allow him five at the end, too. It is early in the morning.

**Mr McClelland:** For your information, Madam Chair, Mr Ramsay will be using a portion of our time as well.

Mr Gray, thank you for being here this morning. I have a couple of comments, briefly, that you may want to expand on. You mentioned early on in your brief the lack of consultation with respect to FONOM and input into Bill 143. Then you pre-empted, quite frankly, something I was going to comment on later. On page 7 of your brief you indicated that there would be people coming who would carve out a particular part of the bill, whether it be an anti-incineration provision or part IV, which they would say is good stuff, that deals with the issues of waste management and we believe in that, so therefore it follows that Bill 143 is good.

You pre-empted that, sir, because that has been the pattern we have seen over the past few weeks in hearings that have been held in Toronto. Deputation after deputation comes before this committee and expresses many of the concerns you have put forward today, and then we hear from a group that is brought in in support of the government and says, "Yes, but we do not like incineration, so Bill 143 is good stuff." The whole of the bill is really not being considered.

You talked about consultation. Let me tell you—I am glad he is here this morning because I do not like to comment in their absence about what colleagues say—what Mr Martin said in terms of consultation: "We in the north have been very strong about our position in this party. It was not just the decision of the minister not to ship garbage north; we told her, as people who represent most of the north in this Legislature, that we do not want Metro's garbage in northern Ontario. I think that by going there and having discussions on that issue, we are wasting our time, and we have been very adamant about that." That is from a northern member, so you are quite right that you are going to have a really difficult time in terms of being heard. You may be listened to, but I am not sure you are going to be heard.

It does indeed rule out alternatives, as you talked about. You said it very well. When it comes down to the sense of imperial dictate, I think the evidence from not only the minister, but the government caucus is: "We know best. Don't bother. If you agree with us, we will talk to you. If you don't, we don't want to hear about it."

One of the first questions I asked on the day the committee began was: "Do you see garbage as a resource? Is it a resource?" Yes, it is. It would follow, then, that you would be consistent, one would think, and we would talk



about garbage or waste as a resource throughout. But it is very curious. When it suits the purposes of the government, it is garbage: "We do not want garbage in the north." When talking about part IV of the bill, which is recycling, "It is a resource and we have got to treat it as a resource." They have real difficulty in having some consistency in terms of application of principles.

That is what I would like you to comment on, the application of principles that you talked about: principles of democracy, participation, local autonomy. We have said in this committee that notwithstanding the fact that this is a GTA bill, or is entitled as such, the implications across Ontario, and particularly for northern Ontario, as we hear today, are significant. One of the great follies of this bill is that the decision-making authority reposes in the minister to do whatever he or she subsequently may want to do. People may happen to think they agree with the government at this point in time. But the great irony is that some time that two-edged sword may come back and cut the other way as well.

Perhaps you could comment on the principles of accountability, local autonomy, the people who are paying the tab, having an opportunity to participate.

**Mr Gray:** I am just going to reiterate what I thought was a fairly strong brief. There is no question that we view this agreement as the shipment of raw product north, which is going to help us and assist us in diversification and economic development, particularly in secondary, tertiary and research and development areas where the north has been totally bereft. We have an opportunity here that is being denied us.

Okay, I can live with the fact that we are being denied an opportunity we have gone ahead and created and worked out through a very careful agreement, provided the reasons for the denial have any basis in logic and fairness. My assessment of this process is that there is absolutely no logic to the opposition of the government and no fairness in it. I really have a great deal of difficulty expressing how strongly I perceive this.

I want to also state—you have helped me to open this door; I should have mentioned it—it is not my style to speak out so strongly in public, and anybody who knows me and the work I have done will agree. I much prefer working cooperatively with people, and I have been damn successful at it. I tried to indicate to you that I tried to follow that approach with the government on this issue through a number of personal and private interventions which had no possibility of embarrassment for either of us. Nothing worked, so here I am, forced to engage in a process I personally do not even enjoy. I had no pleasure out of doing what I feel is absolutely necessary, which is exposing the wrong-headed, anti-democratic, anti-civil-libertarian, anti-anti-anti-stance the government has taken on this issue.

**Mr Cousens:** I had to comment when you were speaking as one who, with the help of the Liberals, helped force these public hearings. There would not have been public hearings. We would not have had a chance to hear from someone such as yourself had it not been for the

support of both our parties, as you recognized in your brief.

Mrs Grier wanted to have this passed by last December 19 and over and done with. The precedent-setting legislation that would affect the north and every other part of the province would have been set aside. When I interrupted, it was a sense of, oh, I do not know, understanding that there was someone out there who had something of the spirit, whom I wanted to hear from. I want to say to you and the members of your association of the Federation of Northern Ontario municipalities how much I appreciate your presentation. You have touched on one of the things I wanted to open up a little bit. Dialogue is the way to make it happen. Have you had a chance since to review some of these matters with Mrs Grier or Mr Rae? You have a lot of representation of ministers from the north and I would be interested in knowing your ability to get through to them and talk about it, because to me that is where it has to happen. You are saying it is just not happening.

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**Mr Gray:** I have had personal opportunities to speak privately and quietly to this thing and I do not know how much better access you can get than that. To me that is the most effective way to speak with ministers because you do not embarrass them and you get a chance. They can listen to you without having to adhere to a lot of party dogma, irrespective of what party they represent. They have listened, sure, but as I think Mr McClelland said, they have not necessarily heard. Certainly we have not seen any action on our wishes and we think we are on very solid legal, precedential, ethical ground on this. In fact, everything we have seen is contrary to our efforts to communicate clearly what we stand for and the size of the voice so speaking.

**Mr Martin:** I want to thank you for coming today, and as a fellow northerner as well. I appreciate the opportunity to have this limited dialogue with you. Before I ask you a question, I just want to lay out a couple of things. In coming to government, we inherited a garbage crisis in the south because the environmental assessment process that was in place to take care of that was not working. The government of the day could not determine the common good, as opposed to the interest of those folks who got into the debate about where garbage should be put or how it should be dealt with.

We also inherited an obvious lack of an industrial strategy for the north, which makes it rather a challenging proposition at best to consider what we might do with what we, like you, see as a potential enhancement of our industry in the recycling business that I think we will eventually get into.

It is important to note as well that this piece of legislation is not the Adams mine waste management proposed legislation package. It is a waste management legislation package that will put into context all that will happen in the waste management business in the next five and 10 years. There is nothing actually in this bill that prevents already sorted product from moving from the south to the north and there is nobody in this government whom I have spoken to who is not interested in discussing the possibility

of recycling recyclables that could be brought from southern Ontario to northern Ontario to enhance our ability to extract resources. We are a resource extraction-based industry up here, which is a primary industry, and I suggest to you that even with recycling, we will continue to be that.

Having said that, the question I have for you is, are we not at the present time struggling with our own waste management problems, finding places to put our garbage? Would it not make a whole lot of sense for us to resolve that before we get into looking at accepting the waste of southern Ontario, and putting it perhaps on top of or in with the waste we are already producing ourselves and which we are having a really difficult time finding an answer to at the moment?

**Mr Gray:** First, you are technically correct in pointing out that Bill 143 does not denotatively impact on the Adams mine. There is however, and I made this very clear in my brief, a very clear implication in Bill 143 for the Adams mine recycling project. In fact, the Adams mine agreement between the Kirkland Lake region and the GTA could not go forward without significant contractual changes because their agreement does not call for recyclables alone; it calls for a component, a product, part of which has some recyclable capability. So obviously the bill does impact on the agreement, because if the bill went through, the whole intent of the agreement between the GTA and the Kirkland Lake region would have to be rewritten.

Second, I have nothing but compassion for the state of the union you inherited when you won the election. As a significant municipal leader, I was probably more aware of the decay in that fabric than many people were and I anticipated you would have a great deal of difficulty. Every single one of my prognostications has come true. I know you had a tough deal, and it is going to be worse. No party can cover itself with glory on this issue and I am sure every one of us here in private moments would acknowledge that.

Specifically the north has had a lot of complaint with provincial governments in the past, PC, Liberal, whatever, in that we do not feel we have ever been equal partners in the transfer of our raw product and our energies south and the limited reciprocal returns. You have inherited a situation and all I am saying to you is, for God's sake, do not make it worse.

**The Chair:** What I would like to suggest in the limited time we have available, which is approximately seven minutes in total, is that each of the members who wishes to ask a question of Mr Gray place his or her question and then Mr Gray can use the remaining time to answer them and sum up.

**Mr Ramsay:** Bob, I would like to congratulate you on a tremendous brief before all of us this morning. As a northerner, I am especially proud to see such an outstanding presentation from northeastern Ontario. I think it has really opened the eyes of my southern colleagues to see the sensitivity that northern municipalities have to the environment and how well informed we are, as you have said in your concluding paragraph, how well informed northern Ontario is on this issue. Many people in the province

would see it as a primarily southern Ontario issue, but the north certainly has taken a great interest in this and is very environmentally sensitive.

I would like to point out again a point you brought forward that is particularly sensitive for people in the north. That is the sense of the hole in the ground that is left in the north after economic development, the sense of our resources fuelling a tremendously strong—in the past, anyway—southern Ontario economy. It seems to me this government is not looking at waste in the modern context you have put out before us today, as a resource.

I am not going to make a statement but just say that in the north we have to keep bringing the point home that this is a resource and as northerners it is now our turn to have a shot at developing it for the economic betterment of all of us in northern Ontario.

**Mrs Marland:** Mr Gray, thank you for a truly dynamic and accurate presentation this morning. I wish you were a voice at Queen's Park, not only a voice up here, frankly, when you talk about embarrassment and no logic and no fairness and all the other things you talked about.

You heard a moment ago the committee member for the government say they inherited this mess. No question, but of course it is now 18 months after the government took office and six months after this bill has been tabled. The government members of this committee still do not know the issue well enough after four weeks of hearings and having the inside track on the bill. Would you be surprised to know that the government members still have to have their questions for deputations written by the minister's own staff?

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**Ms Haeck:** I always appreciate Mrs Marland's sometimes inaccurate responses. We do in fact write our own. Thank you, Mr Gray. I, too, am interested in many of the things you have said. In fact, we had the opportunity to meet on one other occasion and that was in October at the constitutional conference in Toronto. We had two workshops in which we participated.

The one I am going to refer to is division of powers. During that particular one you raised the issue of the desire to have only two levels of government, federal and municipal, and obviously that gives an awful lot of responsibility to municipal governments. If I can follow up on that, particularly, I wonder how you would respond to the deputants we have had from in and around Kirkland Lake, who represented Boston township, and who expressed the view that the referendum held in Kirkland Lake did not in any way represent the feeling of the residents of Boston township.

**Mrs Mathysen:** I wondered what the position was of the Federation of Northern Ontario Municipalities on recycling and the 3Rs and what progress you have made on these programs in your communities.

**The Chair:** You have approximately three minutes, Bob, to sum up and answer the questions that have been placed. As I have told other presenters, if there is additional information over the course of our hearings or points that you want to make that you do not have time to make



today, or are not in your written brief, please feel free to communicate with us in writing.

**Mr Gray:** With respect to the referendum held in the municipal elections and the fact that certain communities may not have had access to that referendum, my understanding of the geography up there is that there are certain unincorporated townships that do not have any legal status whatsoever, are very sparsely populated and have access to voice their views through the media and have done so. I do not think their inclusion in another municipality's municipal referendum, which would have required a separate act of Parliament anyway, is an issue.

I am just astounded that my remarks made at the Ontario in Confederation conference have been placed before you. I do not recall having been so adamant as I was represented to be on that point. Certainly that issue was discussed by a number of people. However, I think the point I want to emphasize here is that we strongly and indelibly believe that we have not been dealt with fairly. We certainly do not think that clear and articulate voices, which have represented our view, have been heard.

We feel that for one reason or another the government has acted from a very peremptory—I have used all the terms, anti-democratic, anti-scientific, anti-logical—point of view. I want to put on record, and what I have done this morning is to put on record, notice that we are not going to accept any kind of legislation so generated. We are just not going to accept it. We are going to continue to fight and I want the government to know this. One way or another we are going to continue to fight this and it will not die. This issue will not die. I do not care if the subject is garbage or social policy or a social charter, if we in the north feel we are not being listened to, you are going to hear from us loudly, clearly, unifiedly and with passion.

**The Chair:** Thank you very much for appearing before us today. We very much appreciate your taking the time, Bob, and I know all members of the committee listened intently to your presentation. I look forward to seeing you again.

**Mr Gray:** Thank you, Elinor, very much. Thank you, panel, for your attention.

#### CANADIAN AUTO WORKERS LOCAL 103

**The Chair:** I would like to call next CAW Local 103. I ask you to begin your presentation by introducing yourself to committee members. You have 20 minutes in total for your presentation. Just for the information of anyone who is watching, I am using a small, different timer than the big clocks on the wall, so there may be some discrepancy—

**Mr Cousens:** There is always a discrepancy.

**The Chair:** —in differences of time. I just want you to know that I am using this clock.

**Mr Cousens:** You are a very tough taskmaster.

**Ms Haeck:** She is good.

**Mr Kemp:** My name is Craig Kemp. I am with the CAW Local 103 and chair of its waste management research committee.

Most people we have talked to concerning Bill 143 and most people in today's society are aware of the 3Rs only

by the blue box program. They have heard of reduce and reuse but have no time for that just now, thank you anyway. The atmosphere for a conservor society has not been developed yet and if the minister forces an acceleration of programs because it suits her vision of tomorrow, they will be met with blank stares and indifference.

This bill does nothing to address the need for an educational and practical demonstration of what each individual can do to make a difference. This bill should have set up a waste authority mandated to set an example and explain the principles of a conservor society, instead of chasing after landfill sites that had already been run to ground.

Remember, we are not dealing here with people who have spent the last five to 10 years studying environmental issues. These are people sweating out their mortgages and trying to set aside something for later in life. People will take responsibility for their waste only when they feel the decision is right and when they are aware of what actions fully meet the needs for a given result. The wasteful habits of a lifetime will not be changed quickly by this bill or any other legislation. Only information and education will alter the course of waste generation.

Our position is that willing cooperation among municipalities and their residents will accelerate that change through mutual benefit, whereas unconsulted decrees will cause resentment throughout this province, impeding consideration and implementation of effective waste reduction action.

We would be interested to read a study about how conserving the people are who reside next to a landfill site, or if in fact the proximity of a disposal site encourages waste generation due to the convenience it affords. Their attitude would be that since they have to endure the eye, ear and nose discomfort they might as well get some benefit from it. Some would say "out of sight, out of mind." We would counter with "familiarity breeds contempt."

The development of a person into a conservor is a mental process that has no bearing on the proximity of a garbage dump. If it did, then we would expect Keele Valley to have encouraged an incredible reduction of Metro Toronto's waste. It would seem that the recession has had more of an effect than the landfill site, yet one is led to believe that locating the next site even farther away in York region will somehow change everything.

Let us examine the basis of this "out of sight, out of mind" principle. What it seems to imply is that if a landfill for an area's waste is not close at hand, then people will abrogate their responsibility for it through ignorance or negligence. The premise of the cliché is a fallacy because modern communication and media coverage can readily bring issues before the public eye and stimulate the questions and answers of debate, sustaining public awareness of their situation and responsibilities. These hearings are a perfect example of the information accessibility that was never possible until recently.

Concurrently the nearness of something nowadays appears to lower its importance because it is considered against the scale of provincial, national and world perspectives. It is a condition of human thinking to equate distance

with importance and increased cost. Terry Fox's run received massive publicity because of his courage and his cause, but it received sustained world attention because of the distance contemplated. If his run was only across Ontario, do you think it would have been treated as seriously as it was? The aspect of distance is what excited the public's curiosity.

Our intention is to point out that the "out of sight, out of mind" argument is an out-of-date throwback to a time when very little was being done to address environmental concerns. The vast majority of municipalities intend to address their landfill needs within their own areas but the issue of nearness should not be allowed to prohibit regions from cooperative ventures, especially when such undertakings, as in the case of St Thomas and the surrounding communities, are concerned with replacing a number of small, inefficient landfills with a single, more productively managed and environmentally sound program. Kirkland Lake is currently trying, through a cooperative venture, to establish the first modern state-of-the-art landfill site in northern Ontario.

Our point is that if people do not want to know or pay attention to something, then they will not, no matter how nearby it may be placed. Men can see their wives everyday and still forget their anniversaries, and so can the ladies. It is the personal awareness of each individual in daily activities that will create a conserver society, not the nearness of a landfill site. Landfills were never intended to foster conserver ethics. They exist because of the failure to use those ethics. Their location is totally immaterial.

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When the issue of proximity is addressed by the bill we find that nearness matters to the exclusion of all other considerations. The IWA is mandated to establish a landfill for and in each of Peel, Durham and York-Metro regions, whether the best site is available there or somewhere else. We view this situation as like wanting the safest car possible but being able to buy only a Ford because they have the only dealership in town. They may have a safe car, but not necessarily the safest one on the market. Similarly, placing artificial constraints on the search area may be expedient but is it really the fulfilment of a region's responsibilities? We think not.

Also we cannot agree to a principle that prohibits municipalities from exploring their areas of mutual benefit and will not allow the exchange of assistance for their common welfare. It is an affront to the integrity of all municipalities and their residents when they are forced to accept the dictation of their waste management without consultation or public review.

Although it is a minority of residents who participate within the framework of an environmental assessment, they do so from a sincere desire to help build a better community. Theirs is the conscientious glue that holds a society together.

The minister's reasoning with this bill is that in the interest of expediency she must expropriate the people's rights as well as their land. She believes it is in the common good to take the decision-making process away from communities and place it in the keeping of an individual or

small group of people. Our present laws were formulated to prevent just such an occurrence where a single group could hijack the process and push through its point of view to the exclusion of any others.

This safeguard applies to everyone, be it a developer, resident, interest group or an elected leader. The reasoning is the same as the basic premise for expropriation in that the public need cannot be held hostage or capitalized upon by any one individual. Similarly, you cannot allow a few people to force the deprivation of an entire region's right to self-determination, because no matter how you cut the cloth, it will result in an ill fit for someone. Nobody wants a landfill near them, whether they live in King township of York region or the 24 people of Boston township of Timiskaming region.

Obviously to grant everyone their wish would mean no new landfill sites. Therefore, the degree of imposition is a critical factor when determining the location of a new landfill, with the current direction in the world being away from urban areas. That is why the issue of being a willing or an unwilling host is best dealt with at a municipal level, and should be subject to confirmation or withdrawal only after an initial criteria evaluation if there exists reasonable encouragement or concern upon which to base a commitment.

I would now like to refresh your memories with a quote from the presentation of Ellen Schwartzel of Pollution Probe when talking about the use of the Adams mine near Kirkland Lake as a possible landfill site for Metro Toronto. She stated: "This suggests a fairly perverse vision of northern Ontario transformed from a land of forests and tourism to a region of colossal garbage dumps and endless caravans of garbage trains. I think few people would recommend this be the preferred form of regional development for northern Ontario."

One can easily infer from her statement that her preference would be to suggest a fairly perverse vision of southern Ontario transformed from a region of residence and agriculture to a region of colossal garbage dumps and endless caravans of garbage trucks. It is all a matter of perspective. Her assumption that the siting of a landfill site anywhere in northern Ontario will automatically create more is a misleading fabrication. The Adams mine site does not oblige any other community, north or south, to accept a landfill, period.

In the back of the presentation, you have three appendices. The first refers to a petition that CAW Local 103 placed in the North Bay Nugget on January 23 of this year. It was to allow the residents of North Bay to voice their concern about Bill 143 and the lack of consideration given to the Rail Cycle North proposal.

Subsequent to that, it was decided to approach our other brothers and sisters of the CAW Ontario rail division, which we did, and due to time constraints we had a one-week period to do it. I would like to place before you now the 610 ballots we received, which are basically the rail division of CAW Ontario's response to not only the bill but to the consideration of the Adams mine as a landfill site or at least to get it before assessment.



Appendix 2 deals with the deletions and amendments to the bill. We have just made some suggestions for your consideration later on when you are going over, not necessarily the final wording but how the wording would approach the situation as we see it.

Appendix 3 is a proposed landfill site selection process, which basically is a recommendation to use the IWA criteria. We found its draft approach was an excellent document—very well done. It could be used as a blueprint for any municipality. The only thing we want to see in it is public review, of course. If you initiate a six-month acceptance period of any proposal or alternative and allow the commission or works department of whatever municipality to cull those proposals and get rid of the exotic, get rid of the eccentric and come down with a basic long list of five or six based on the size of the municipality, I think you can pursue it with the IWA after that, including public hearings after, say, a selection of the short list. Then, after the selection of the final list, just review it and make sure nothing has been missed.

The advantages of railhaul have already been set forth by Canadian National Railway in its presentation. We would like to add our perspective of its benefits to the north-eastern corridor. At present, North Bay trucks its recyclable material to the GTA for processing. As you are aware, the use of trucks is less fuel-efficient and creates seven times as much air pollution as comparable tonnage by train. This situation will be magnified as a fuller recyclable collection system is developed similar to Mississauga's.

Railhaul would substantially lower the costs, not only to North Bay but the towns and cities farther north that do not have blue box programs at this moment. They will have prohibitive costs that may well curtail their full involvement with recycling. That means continued dumping in their own non-state-of-the-art landfill sites.

The acceptance of the Adams mine as Metro's site would rationalize the capital expenditure necessary to purchase the specialized equipment required by the waste railhaul system. At that point it becomes economically feasible to ship recyclable material north for processing, supporting the plants that would use the northeastern recyclables at greatly reduced shipping charges, encouraging growth and material collection and the closing of a 3Rs loop while retaining all the benefits of the programs within the area where they are needed now and even more so in the future, because the use of recyclable lessens the demand for virgin material, such as wood pulp and ore, eliminating more jobs in the north.

Keeping and fostering sustainable recycling jobs will help offset the detrimental effect of the very program that would create employment. Hopefully a balance or gain could be achieved. Using trucks to accomplish that purpose would make such plants economically uncompetitive with the south and either close them or create an artificial situation where public money is used to support them. Railhaulage was how the north was originally developed and nothing has changed the need for it since then.

Developing a self-sustaining loop is ideal but the northeastern regions' quantity of material may not be enough. Hence the railhaul advantage which unfortunately

will not appear unless the Adams mine is allowed to proceed to an assessment. Some say this is not the preferred form of northern development. Then what is? Lacking any other options, it is only common sense to make business where you can. If the landfill and job loop were in York region, we cannot imagine anyone raising a voice against it. Yet solely because it concerns northeastern Ontario and would allow people to ship their waste out of their area, which they will be doing anyway, the hue and cry is raised about desperation being the fuel, when in reality intelligence is the driving force. Well-travelled garbage may not be better garbage, as Pollution Probe has said, but it can certainly be made into more productive garbage.

The use of trains over such distances is then questioned, because even after the elimination of the expanded truck fleet to service a York site and the hidden costs involved with that proposal, it seems that the railhaul system would expend a greater amount of fossil fuel. During the Adams mine's 20-year lifespan it was never questioned that the burning of train diesel fuel was an acceptable fact because of the benefits the mine had for the area. But now when it is proposed to burn fuel hauling less tonnage to create a new economic development, it is portrayed as questionable.

Why are people trying to keep jobs and business out of the north? We can also only wonder how much greater would be the amount of fuel used by trucks to create the same economic benefits. It makes no sense. The environmental impact of the trucks alone is hard to accept when the railhaul alternative is available. Plus, having a waste railhaul system allows the carrying of recyclable material from anywhere in the province to anywhere else because of its road interchangeability, fostering mutual benefit and development. That will further reduce the use of fossil fuels by trucks and the resultant greater air pollution and road damage.

In addition, if the markets for the recyclable material go slack periodically, the containers make excellent storage sheds until such time as the material is required. Ask an independent trucker to leave his trailer for a few months and you can guess the answer he is going to give you. Railhaul has the ability to motivate a greater emphasis on the diversion of waste from landfill by mitigating the all-important financial considerations.

Recently a Ministry of the Environment spokesman, Mr Gerry Merchant, replying to a question concerning clause 29(2)(b) of the bill dealing with one municipality having to accept another's garbage, said, "It is only for emergencies, for example when any kind of contamination at an existing landfill site threatens the public environment." It is assumable from such a scenario that the nearest landfill with any capacity would be forced to accept such emergency waste because trucking costs would preclude any other consideration. With railhaul's lower expense, a site with extra capacity that a municipality might wish to trade for cash could be used even though it is at a greater distance, creating an equitable balance instead of shortening the lifespan of a neighbour's landfill that cannot afford the reduction.

In closing I would like to say that the democratic principle is how we elect our leaders. The same principle is

how we decide the actions and activities that we do as a community. We cannot condone the abandonment of this principle for the sake of expediency. We are not at war with garbage, and the draconian tone of this bill is unpalatable to us. So we at CAW Local 103 are vehemently opposed to this environmental emergency measures act in the form of Bill 143, Waste Management Act, 1991.

1020

**The Chair:** Thank you very much for your presentation this morning. We appreciate your coming before the committee. There are about two minutes remaining. What I would like to suggest is that members briefly put their questions and then you could respond and sum up in the minute or so remaining.

**Mrs Marland:** Could you tell us, Craig, who signed the petitions, just to confirm that it was an ad in the paper with the coupons mailed back in?

**Mr Kemp:** Yes.

**Ms S. Murdock:** I want to thank you for taking the time to come before us. I agree with you that the conservator attitude is not something that is going to change overnight, although we are seeing massive changes with our children within the school system. I know my nieces and nephews keep telling me that I should not leave the water running when I am brushing my teeth etc, so it is changing on a daily basis.

The question I want to ask you is, because you spent quite a bit of time on it in your presentation, in terms of the first modern state-of-the-art landfill site, what exactly would that consist of? In the context of a statement by Canadian National Railway on the last page of its presentation, and I will read it to you because I do not think you have a copy with you—

**The Chair:** Ms Murdock, we are out of time. Please let him answer the question. If you want to pass that along to him you want but he will not have time to answer the questions. Do you want to respond? Just pass that along to him.

**Mr Kemp:** In answer to Mrs Marland, we put it in the paper in North Bay on January 24. It was meant as a mailing campaign where they would send them down to the standing committee. After that it was brought to me that we should be giving the same opportunity to our brothers and sisters so I phoned around and mailed out some petitions to them. They photocopied them and had the members sign them, and probably their spouses as well. Basically it is a very localized sort of thing within North Bay. Some came from outside. There are a few from Kirkland Lake because when they heard about it they wanted a copy and they photocopied it. It was basically a word-of-mouth campaign.

As to the landfill in the Adams mine, it was unfortunate but you must not have seen Mr McGuinty's presentation because he would have laid it out. My understanding of the Adams mine is that it is going to be state of the art. Based upon the assessment, of course, they are going to put in a liner, the same kind of liner you would have in a southern landfill site. They are going to have the water leachate treatment. They are going to have the gas filtra-

tion, the processing of the gas, whatever the technical aspects are. As well, they are going to have a sorting facility in front so that as much of the recyclables can be taken out as possible.

That to me is an improvement on anything I have heard proposed for southern Ontario. It seems to me not only the first modern landfill site with all the state-of-the-art technology at the day of building—not today's, whenever it would be accepted—but also, with the sorter in front, that would give more recyclables for use by plants up there where our initial volume would be low, to sustain them. It seems to be an incredible benefit that I do not think has been given very much consideration.

#### TOWN OF WALDEN

**The Chair:** I would like to call next the town of Walden. Would you please introduce yourself, mayor, for the committee. You have 20 minutes in total for your presentation and we would ask you to leave a few minutes at the end for questions.

**Mr Kett:** My name is Terry Kett. This is a momentous occasion for me, because this is my first formal presentation as a new, but not so young mayor. It is on two topics I am really interested in: first, the environment, although I must admit my knowledge is limited but I have a great concern for it, and second, the relationship between the province and its municipalities, for which I have great concern.

As a mayor of a lower-tier municipality that sees problems with this large landfill site, I appreciate that there is a need for the provincial government to take action to improve waste management in this province. Bill 143 does take action, but at great expense to the environmental and democratic rights of the people of Ontario.

Bill 143 was drafted with no consultation with any municipality or with the Association of Municipalities of Ontario. Why, when these municipalities and AMO collectively have many experts and years of expertise in waste management? I realize the minister has strong views on the environment. However, she must consult with others, and the resultant bill must contain a positive balance between the need for action on behalf of the province and the rights of the people of Ontario.

My theme for the presentation is simply that under Bill 143 the environmental and democratic rights of municipalities and their citizens are being usurped, centralizing power into itself. Therefore, I think this bill should be scrapped and we should start again, this time working with AMO.

For many years we have had protection with regard to waste disposal through the Environmental Protection Act and its Environmental Assessment Board hearings; the Environmental Assessment Act and its reviews; the Planning Act and the Ontario Municipal Board hearings; the Municipal Act; regional acts—for example, the Regional Municipality of Sudbury Act—where the regional council can prohibit any person or municipality from using regional land for a waste disposal site, subject to OMB override, and where local councils such as my own can refuse to consent to hosting of waste disposal facilities, subject again to the OMB.



The democratic rights of the citizens have been protected under existing legislation. But in this bill under part III, especially sections 17 to 20, every one of the protections described before is, or may be, arbitrarily removed. Clause 17(8)(c) of the bill overrides bylaws adopting official plans and amendments passed under the Planning Act. Our EAA and EPA protections are removed in this bill. In subsection 17(7) the EAA will not apply to any undertaking established or carried on in order to comply with the ministerial order. Therefore, once the bill is passed there will be no environmental assessment review or EAA hearing for any short-term needs seen by the minister.

1030

Previously we could protect our territory with the Municipal Act and regional acts by refusing to take another municipality's waste. With subsection 17(4) of the bill we have to obey the minister's orders and either transport waste outside or accept waste from outside municipalities, while subsection 17(5) deems a municipality's consent to have been given to any action to implement the order.

Under subsection 19(1) of the bill, a person whose land is injuriously affected as a result of a municipality's compliance with the minister's order has the right to be compensated "in the same way as if the municipality expropriated the land from the person." Yet under subsection 19(3) the right to compensation does not apply to municipalities whose land is injuriously affected. In effect, the municipality is forced to subsidize a waste disposal facility imposed against its will. I say that if the province wants to take control of the location of waste disposal facilities, then it can pay for them.

Section 64 of the Ontario Municipal Board Act does not allow the commitment of funds beyond the term of the present council unless approved by the OMB, and that is a good idea. It has been around for a long time and it works. Subsection 17(10) provides that section 64 does not apply to waste disposal site works undertaken to comply with the ministerial order. Thus, municipalities can be forced to assume long-term debts without the approval of their elected representatives, and that is unfair.

Under Bill 143 you have a director, an unelected provincial employee, who now will take over the powers presently held by municipalities. Subsections 18(1) and (2) allow the director to amend and attach conditions to a certificate of approval for a project which override terms and conditions negotiated by elected officials. Thus in the future the director—I am not quite sure whether the minister has already said she is going to amend this part or not, so I put it in—or the minister will order us to build, or not build, waste management systems or disposal sites regardless of the wishes of local people or their democratically elected representatives. That is pretty centralized government.

This bill also seems to jeopardize any kind of positive relationships that have been built up among municipalities. Clause 17(8)(a) overrides waste management agreements and contracts made between municipalities. Why go to all the work and the trouble to make an agreement with another town when any benefits that result can be defeated by regulation?

Subsection 33(2) of the bill allows cabinet to make regulations re part V of the EPA dealing with waste management. Clauses 136(4)(k) and (l) allow the cabinet by regulation to order "municipalities and other such persons as may be specified in the regulation to establish such waste disposal sites or waste management systems as may be specified in the regulation" and provides that those persons may be ordered by regulation "to maintain, operate, improve, enlarge, alter, repair or replace the waste disposal sites or waste management systems in such manner as may be specified in the regulation."

The net result of these two clauses will be to allow the government by regulation to expand throughout the province these central-powered measures without going back to the Legislature for approval whenever a garbage problem comes up. I believe that government by regulation or government by centralization, which is really the same thing, reduces the powers of a local government and, may I add, also the Legislature. It is nothing short of usurpation.

The NDP used to have as its foundation the concepts of consultation and cooperation. I think the government should wake up to the fact that it is making the same mistakes it accused previous governments of. I emphasize that since municipalities are the local level of government, and because they are responsible for solid waste management, they should have been consulted before the provincial government introduced Bill 143.

The government should adopt consultation with municipalities as a standard practice for all environmental legislation policies and regulations that may be introduced and will have an impact on municipalities. This consultation should take place before the legislation, policies or regulations are introduced.

It is my opinion that Bill 143 should be withdrawn, as it is premature and ill-conceived. The minister should work with the Association of Municipalities of Ontario on a new Waste Management Act that would address the waste management and landfill problems faced by all municipalities, not just three in the greater Toronto area. This new Waste Management Act should replace the Environmental Assessment Act process for landfill sites and would apply equally and fairly to all municipalities.

**The Chair:** Thank you very much for your excellent presentation.

**Ms Haack:** I have a question I would like to direct through the parliamentary assistant to ministry staff. In previous discussions we have heard about the lack of consultation, but I understand documents provided by the ministry as a result of a question we asked of ministry staff before outline how broadly the initial consultation documents were in fact distributed. I would like them to be more specific as to whether they came to areas in and around Sudbury and farther north.

**Mr O'Connor:** Thank you, Ms Haack. I assume you are referring to the initiatives paper produced by the office of waste reduction. The appropriate person to talk about the consultation that went into that process would be Drew Blackwell. Unfortunately, he does not have a microphone.

Perhaps, if you come up to a microphone, you can answer the question.

**Mr Cousens:** You can be a Liberal.

**Mr Blackwell:** Yes, thank you. I believe there were 10,000 copies of Initiatives Paper No 1 sent out across Ontario, and they were certainly sent to the clerks of all the municipalities.

**Mr McClelland:** An interesting point.

Thank you for being here today. I understand it is your first presentation as the newly elected mayor. You did a more than credible job.

What we see here is a sense of rationalization: "Well, we did consult. We are going to tell you that we consulted even if we didn't. We consulted in another matter, but we'll take that to mean we talked to you about 143." We have heard the same line from AMO, from representatives of the major regional municipalities: Durham, York, Peel, Metro. They all said the same thing, but they were told by the government: "You must be mistaken, because we believe that we consulted with you, even though you don't. You've been consulted with because we're telling you that we talked to you." It is a very curious state of affairs, where the people who are apparently consulted with do not know they have been consulted with, but they are told that they were, so it must be okay.

In any event, part of Bill 143 removes the authority, local autonomy, and makes you pay the tab, so to speak, and is very significant in that respect.

You referred throughout your presentation to regulation and the impact that has. Basically after the fact, you as a mayor, indeed myself and my colleagues as legislators, unless we were privy to it by being part of the executive council, would not know what is going on. It is consistent with your theme about lack of consultation and lack of communication, but I wonder if you might want to comment on the impact it has in terms of the Planning Act, the Ontario Municipal Board Act, the Municipal Act.

Why bother, one would ask, to have you charged—supposedly charged—with the responsibility of waste management, charged with the responsibility of paying the way through the local rate base, through local taxation, and yet have everything dictated to you by an organization that is set up somewhere in Toronto that is not even linked directly with the Legislative Assembly.

1040

**Mr Kett:** I was thinking this morning about the historical background of all this and which came first, the chicken or the egg, the municipality or the province. My history background tells me that I came first, and yet according to the Municipal Act, I am a creation of the province and the province is the boss, so it is interesting, is it not?

But what really scares me is just the fact that if you want people to be involved in politics and you want people to care from local council through, that if you want people to care, then you have to give them a say. The more you take power away from the municipalities, the less people care about politics. The last election I went through was the worst election in my life in terms of apathy by people. The more you skim away our responsibility and our

power, the less people care. The more remote is power, the less people care. This is one of the ways we can stop it. This is why I am here today. I am a lower-tier mayor. I did not have to come here today. I am not the regional chairman.

**Mr Cousens:** I congratulate you for your presentation and appreciate receiving it. I think it comes from someone who is right out there in the field where it has to happen. On your practical suggestions, I am going to go back with our staff to see that we have addressed them in our own amendments to it. I think you have touched on a number of points. I think it shows the value of these hearings, that we give a chance to people to come and make their presentation.

I worry about one of the points you make. The latter part of section 8 has to do with the consultative process. The government members immediately say, "Well, we sent out 10,000 copies of something." I am concerned that governments of all parties are afraid of what the municipalities are going to say. What I would like to do is to challenge you and suggest that you keep it up. It is more just a comment than anything.

Do not just wait for them listen. Make sure you are sending unsolicited proposals saying, "Here is what you could be doing to clean up the environmental assessment process." You are saying this kind of thing now. I happen to believe there is a problem in the failure of this government, and possibly some others, in not listening enough. I challenge you to keep it going because this whole system is going downhill right now. If you want to comment on it, I would value it a lot.

**Mr Kett:** I can just add a little bit on this. I understand that the municipalities of Ontario are supposed to have all their comments with regard to the employment equity bill in by tomorrow. In the town of Walden, we have received nothing from the provincial government with regard to employment equity. If this is the way we are being treated, we are not very happy.

**The Chair:** There is about a minute remaining, if there is anything you would like to sum up with for the committee.

**Mr Kett:** No, I am going to quit while I am ahead, Madam Chair.

**The Chair:** We appreciate you taking the time and coming to the committee this morning.

#### SUDBURY RENEWABLE ENERGY RESOURCE CENTRE

**The Chair:** I would like to call our next presenter, the Sudbury Renewable Energy Resource Centre. Please come forward and begin your presentation by introducing yourselves. You have approximately 20 minutes. We would appreciate it if you would leave a few minutes at the end for questions.

**Mr Poulin:** I will begin by introducing myself. My name is Lewis Poulin. I am an environmental awareness entrepreneur now living in Sudbury.

**Ms Davison:** I am Phyllis Davison, also from Sudbury. I am an educator and a folk performer.



**Mr Poulin:** When I heard the government would be travelling around listening to public input on this bill, I thought it would be interesting to maybe provide a different angle to the committee on how important what we are doing here is and what kind of message we are sending to our kids. I personally do not have children right now. I am putting it on the table that I am not a parent, but I am sure quite a few of you are.

I do, however, have the privilege of earning my living by going in front of large numbers of school children to tell them what we can do at home to help our environment. I did this last year and I have stopped doing it right now, because I was tired of going in front of kids telling them what we should be doing. Kids do not need "shoulds." Kids need role models. They need actions. We as adults have a responsibility to act in a meaningful manner towards our kids. I am sure many are in school right now learning about the degradation of our environment as we speak. So I am approaching this whole process as what we can do as adults through our actions to convince our kids that we as adults are serious about protecting our environment.

You might ask, "Where is this guy coming from?" I am coming from seven years of work with Environment Canada's Atmospheric Environment Service. I have a music tape, by the way, in case somebody wants to listen to songs about the degradation of our environment. I guess I became convinced of the seriousness of our atmospheric pollution in Toronto by studying ozone holes. I have obtained a master's degree and I am continuing my work here in Sudbury, with Trent University. I wanted to show that it is possible to bring employment in the north in other manners if we have the vision to open other types of roads, in this case, electronic roads. I do not think we talk enough about other options, so I am telling you that in the north we are working right now studying the ozone layer using computers and electronic communication.

I felt I had a moral responsibility when my work showed me how much we in the developed world are screwing up the environment. Sure, it makes a great research project and I can get a lot of money to keep on telling how we are hurting our atmosphere, but I decided to try and play a more educational role in this, which is why I decided to go talk to the kids. That is why I am keenly supporting any legislation that puts a limit on incineration. We cannot continue, each one of us, to trickle small amounts of garbage into our atmosphere. We have to take care of our own community ozone holes, to use a metaphor.

People talk about hijacking the process, but we seem to conveniently put the boundary around Ontario. To me, the developed world, living in the manner it does, is it not in a way hijacking the process on a planetary scale? Let's be careful about pointing fingers here.

Really, we have to lift the importance of education in our priorities. That is why we wanted to come this morning to talk to those who are involved. I am quite surprised that not many more educators are here. I think that speaks loudly of some faults in our system. People who are responsible for educating our kids: Where are they at these points in discussion? Why do we only hear from the business community? I want to underline the importance of educa-

tion and we hope to share with you some of the basics we should remember in our education process.

**Ms Davison:** I appreciate this chance to be here and I applaud the minister, the ministry and the committee for the work they are doing on this. I realize the bill has come from a crisis perspective in the greater Toronto area, but I really appreciate the fact that it is trying to take a look at the future and have a visionary approach to policy and guidelines, because I think it is absolutely necessary that we have some vision for the future and work towards it. I am speaking from that point of view of the bill rather than the crisis in the greater Toronto area.

I go into schools and do theme presentations as an educator. My background is education. I perform and do songs and stories in celebration of our earth and what we can do. I also do workshops with teachers and I would like to share with you the 3Hs that go with the 3Rs that have been developed with teachers.

The first one is "H" for "hands on" and it reinforces what Lewis said about being models and finding just one thing that we as individuals can do to help the environment in our own area. This way we get a feeling of being involved and a power to do something. However small it might be, it is not insignificant because it brings about understanding and awareness. Comments have been made this morning about the need for education and information and I think this is where it starts, each one of us being able to tell the story of the one thing we have decided to do, on our own—not the blue box; on our own.

The second "H" stands for "heart." I mean this quite seriously and I hear it coming through this morning from other presenters that we do not have a good positive feeling about dealing with waste yet. People do not feel they are being included in decisions. Somehow we have to bring about a feeling of celebration, rejoicing in what we can do rather than going at it from a sort of economic fight or money and development fight. I think we have to work as a team on this. We are all part of the problem; we are all part of the solution; we are all part of Ontario; we are all part of the problem of Ontario, and somehow we have to work, feeling that way, positively.

#### 1050

The third "H" is for "head." With our heads we question and we get information and we research and we have this vision from which I think this Bill 143 is coming, and for that I am very grateful. The model I am using for approaching this is a model of the theory of learning, looking at the development of learning for young children, moving out from being very egocentric to being global. We are at a very initial stage in dealing with these problems, and as people have said before this morning, we need to learn. The first way we learn is to look at this egocentric way. What can we do right here? What can I do at home? What can I do at school? What can I do in my community?

We really have to be very serious about our definitions when we talk about reduce, reuse, recycle. You go into a school and say, "Which is the most important to do?" "Oh, recycle." We talk about that. You smile; those of you who

think reducing is the most important thing to do are on my side, but we have not got our definitions quite right yet, because we do not agree on what recycling means, and I hear that this morning, too.

For me, recycling is made up of a great deal of things. The first element is collection and sorting, and that is what our blue box does. I know I sang at the opening of the blue box inauguration here in the region and I questioned the name "recycling depot" because it is a sorting depot. It is the first step of recycling in my definition of the word "recycling." With the Kirkland Lake project, probably some of the questions that are being asked about it deal with that too. Are we talking about collecting, sorting, finding markets for processing or not? We really have to break this whole stack down and look at it on a developmental level.

Children can be given a bunch of mixed buttons and sort them. We at home can be given a bunch of garbage and sort it. Who is responsible for what level of garbage? Your waste analysis efforts are excellent because they indicate where responsibility lies. The organic waste, which is the smelly stuff, by the way, that is being referred to, the smelly stuff is produced by us individuals. We have to take care of that right here, so the organic waste is a very local responsibility.

I am stressing a really serious look at those 3Rs at the local level of collecting and sorting and taking care of the ones that are predominantly produced from residents and the taxpayer. But at the same time as we grow in our learning we realize that the paint we use to paint the room and make it look nice, the medication I have to take for my headache, is not produced here in Sudbury, so I am tied into the great GTA as well. How can we feel that we are responsible for that, too?

I have a vision of a great big pie. The Toronto area is the centre of this pie and we cut the pie into wedge shapes. Even if you live in the farthest north of Ontario, you tie into the centre of that pie, Toronto. You have huge wedge shapes, and we all have just a little teeny bit of Toronto that we tie into. If we could work in regional or geographic pie shapes and barter off some of our problems, we would feel much more positive. I would feel much more positive, and I think that is a kind of learning model that I want to superimpose on all this.

The word "stakeholders" comes into a lot of the material we read these days. It scares me because it has a dollar sign in front of it. I prefer responsibility, and I think your waste analysis and a theory of learning can indicate where we can all take that responsibility.

**Mr Poulin:** Another basic point in education is farming. How can we plan for the long term when our farming resources are dwindling? I think there is an opportunity here for northern Ontario, when we have legislation that encourages backyard composting, a return to the earth. Let's go visit Farmer Brown again and let's learn how to start generating our own clean food in our clean soils. I really believe there is an opportunity here for northern farmers maybe in little pockets to push sustainability through the farms.

Let's become leaders. We are world leaders in wasting energy and creating garbage. When I go in front of hundreds of kids to sing songs and talk very serious talk—the reason I am not singing a song this morning is that I feel a lot of people do not take song and music seriously at all, but believe me it is a very powerful and informative tool. Let's turn our wasteful lifestyle into an advantage. Let's seriously become leaders so that we can share. Let's share our lifestyle with everybody on this planet. Our planet right now could not absorb billions of people living in the manner we in Ontario do. Let's be creative and develop the lifestyle parts of which could travel around the world and help a global planet.

I have one practical solution here. Last year I got tired, like I was saying, of telling the kids what we should do, so I picked one problem, the problem of the waste in the food courts of shopping malls. I took one year and my own money to do a business plan for a new business, which is ready to go and which I have been trying to implement here in Sudbury, because I think one way to go for northern Ontario is to be innovative and intelligent about problems and to experiment with solutions up in the north so that we have business tourists coming up here to learn how to do things.

As a meteorologist, I understand the water cycle. I understand we can use water to help clean ourselves and our dishes and use nature's plants to clean it if we should happen to dirty it. So I put together a business plan for a dish rental and dishwashing project in the food courts of shopping malls. It is all laid out here, ready to go. I worked my way up the hierarchy of mall management and ownership. I am telling this to you this morning to let you know that you can present sustainable ideas, in this case on a nickel platter, being from Sudbury, yet the will is still not there, and that is what I learned. I wanted a yes or no from management and the owners, and I obtained a no. Actually what I was told by an élite business person in town is that it is not a crisis situation yet.

This is to let you know that while you are planning this legislation, as I have heard this morning, you are not going to have business people on your side because they do not see—I must admit my small surveys are maybe not scientific, but from my own personal experience the ground is not ready yet in terms of people who are in positions of power locally. That is what I have learned. That is what I am sharing with the kids. I would like you to keep that in mind as you are preparing legislation that I believe can promote sustainability.

**Ms Davison:** If we look at section 23 of the bill, it opens the door for money to be directed to some of these projects that I feel should be reinforced, and our notes indicate some that I have noticed around me in the province. A building project down south in Burlington years ago used recycled bricks from demolition sites. Too bad how much it costs to start with. I am not talking about it being economical or anything. This is the direction that should be encouraged and reinforced, the reuse of materials.

Also I remember back in Scotland that when I was growing up, people who lived in row houses and apartments and flats had access to squares of land near the



parks that were divided into small fields. You could go out there and farm or garden your own little allotment. I am explaining what that means because it was a really effective way of taking the compost back to the land. You went out with your little pig's bin of junk and set up your own compost in your little allotment. For people who do not have their own backyard composting, there is one.

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I noticed in the paper this week that home renovations are going underground. This does not mean the basement. It means that people are getting these services now on the underground; they are not being up front because they want to avoid taxes. We should be encouraging home renovations and the redoing of homes. I think there should be some tax relief for people who are using recycled materials.

I paid more to get my iron repaired than to buy a new one a month ago but I still did it. If that man who is a very skilled repairman did not have to charge GST or PST or whatever, it might be cheaper getting my iron repaired. I have had it for 10 years, so it is a good quality iron as well. We have to stress those things and reinforce projects that talk about quality and repairs. We are going to lose if we do not. I think I will stop there.

**Mr McClelland:** I think everything you have said is laudable and we are to be encouraged by it. The one thing I want to say by way of comment is that what you have said, and having taken no issue with what you have said and what you believe in and what you want to translate into a mindset and work with young people, I find entirely incompatible with your statement that you support or like this legislation and applaud it.

Yes, there is a part of it, part IV specifically, that seeks to move us in that direction. When you talk about role models, when you talk about being visionary—quite frankly I do not think we want to tell our children, or have a role model that says, we do not believe in democratic rights and we do not believe in maintaining environmental legislation and we do not believe in people such as yourselves participating fully in finding the best environmental solutions possible. That is the role model. I agree with what you say but I do not see that what you say necessarily supports Bill 143.

**Mr Cousens:** What you are saying—Mr McClelland's comments—is the education, and it has to go to everyone. Every one of us has to understand when you talk about the 3Rs and ask which one is most important. I just have to say, keep it up. I would love to get you to comment on the ozone layer and what you are doing in this area and what we are doing that is causing the destruction of that. Perhaps you can take a moment at the end and tell us some of the things we can do to help protect for the long term, beyond Ontario in the world but here especially.

**Mr Martin:** We are unfortunate in not being able to hear you sing and present your message in that format. Nevertheless, I am really heartened by what you are saying. I think it all has so much potential. You may or may not know that I am going to be venturing out with a group in the north to look at the question of recycling and waste manage-

ment. We will be looking to you for just such notions so that we might put some format to it.

**Ms Davison:** I will respond to the first point made. I think we are heading into a future where we have to move slightly away from being such self-centred people and think of ourselves as children of the earth, as Lewis points out. That is one of the messages. One of my songs says we are all earth children here today and we share it. I think we can keep that at the right level as children learn.

**Mr Poulin:** I have one final comment. The Sudbury Renewable Energy Resource Centre is open to all parties if they should like to learn more about the ozone layer or how to save 30% on their home costs by being energy efficient, and basically how to practise being green, which speaks louder than words.

#### CLEAN NORTH

**The Chair:** Clean North is our next presenter. Please come forward and introduce yourself. You have 20 minutes in total for your presentation. We would ask if you would leave a few minutes at the end for questions. My advice to committee members is that in the time that is allotted to you, ask your question first and then if there is time make your statement. If you make your statement first, there may not be time for your question after. Please begin your presentation now.

**Ms Brosemer:** My name is Kathy Brosemer. I am from Clean North, which is a small grass-roots environmental group in Sault Ste Marie. We formed it in 1989 and we have been incredibly successful for a small grass-roots environmental group. Our most recent success was chipping 4,300 Christmas trees in a city of 80,000 people, and this is only in the second year of our operation, an entirely volunteer operation. We have more than 350 members and I am here to represent them in what I have to say.

The first thing I want to say is that I am from the north, I live in the north and I am at present unemployed. I am a microbial ecologist, and I do not want a garbage job. I do not want a job studying the microbial ecology of the garbage of the greater Toronto area, and I am not alone in the Sault. In Sault Ste Marie in May 1990, which I must insist that you understand is that after the most recent difficulties with our major employer in the Sault, my friend Mr Martin's predecessor, Karl Morin-Strom, the MPP from the Sault, conducted a survey of Sault residents in which he had 1,200 responses—I am sure that is statistically significant, in a sample that size—in which 86% of Sault residents said that northern Ontario communities should not accept and dispose of garbage from southern Ontario. I wanted to let you know that, because I did not think you had heard that before.

Garbage should not be exported from where it is produced until the place where it is being produced gets serious about the 3Rs. Reduce, reuse and recycle have to be exhausted before another place to put the garbage is found. This has not yet happened in Metro Toronto.

Last December I had to go to Toronto several times on business. At the time I was employed. When I was in Toronto, I did a lot of walking up and down Yonge Street in the evenings. What I saw on Yonge Street in the evenings

was garbage being put out by residents of apartments, residents of homes and people in stores. That garbage contained plastic bags full of garbage put out by the curbside, right alongside big corrugated boxes. Sometimes the bags were stuffed into the boxes. Corrugate is one of the most readily recyclable things. We sent corrugate, for God's sake, from the Sault down to Toronto to be recycled. Why the heck is Yonge Street not doing it?

Another example down on Yonge Street: You walk into a pizza parlour and you try and get a pizza and a pop. You cannot get a pop in a refillable container. It is not available. Once you drink that pop, what are you going to do with the container? You ask them, "Have you got a blue box?" "No. We've got a can to throw it out in or you can take it with you and put it in a blue box somewhere else."

They are not serious about it in Metro Toronto and I do not think they should be allowed to export garbage to the north until they get serious.

I want to tell you we have our own garbage problems in the north. We do not need the GTA's garbage problems. We have problems of unorganized townships having dump sites that catch fire. Our provincial water bombers that go to put out forest fires have to go to put out dump fires. We have problems of landfill sites filling up. North Bay has a landfill site that has already had an extension to its life. We have the problem of long-distance transport of our goods, meaning extra layers of packaging we have to deal with. We have the problem of long-distance transport of recyclable materials back to the markets. We send our glass cullet from Sault Ste Marie down to Consumers Glass in southern Ontario, with the added expense of that. We have tremendous garbage problems in the north and we do not need the GTA's garbage problems.

I want to tell you a story—another one you have not heard—about our sister city, Sault Ste Marie, Michigan. In September 1989 this town of about 10,000 people, which is across the river from Sault Ste Marie, Ontario, opened a recycling depot with grants from the Michigan Department of Natural Resources and Michigan social services. They had wonderful press on it. They had articles in the papers, articles in our papers on the Ontario side and they had radio spots. They were hiring mentally handicapped individuals to run this place. They had a wonderful setup and were teaching these people as well. They had sheds out back where people could drop materials off at any time, day or night, weekends, whatever; always available, always open. They take white fine paper—I am going to take my brief to them to be recycled after we get back—corrugated cardboard, plastic milk bottles and metals of all shapes and sizes.

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They struggled along for two years by word of mouth, trying to get people to bring their things. Last summer a remarkable thing happened. The landfill closed. There was a leachate problem in that landfill and they had to shut it down. They were not collecting the curbside garbage any longer. The people were watching the bags pile up and were told that they could not leave the bags at curbside, that they had to take them back into their homes or put them in their backyards. People carried them back. This

went on one week, two weeks, three weeks, four weeks, and a remarkable thing happened about the middle of the third week. People started opening up the bags that had been sitting there for three weeks and pulling out the stuff that could go to that recycling depot and cutting down on their garbage. This depot had been there for two years, but until these people had no other place to put their garbage, they were not using it.

It is time that we gave the same message to the greater Toronto area. There is no more place to put your garbage. Reduce it, reuse it and recycle it. The time has come now, because garbage is not just a landfill problem. Solving the problem of where to put the stuff is not going to solve all the other problems associated with it. We have the problems of transportation: transporting all this stuff, transporting the oil that goes to make the petrochemicals that go into making all those plastics that go into our landfills. How many tankers do we have to have on the seas and how many tankers do we have to see bust up on the reefs before we say we are transporting too much oil and we are making too much plastic to throw in a hole in the ground? We have transportation issues to get things to market and then to get things to landfills.

We have the issues of styrene, for God's sake. Styrene is being produced in factories and we keep on using it and people say, "Oh boy, it's recyclable now. Polystyrene foam cups and clamshells are recyclable now," but styrene is carcinogenic. It has been proven to cause cancer in the workers in these plants. It is time to stop making the stuff.

We have all these problems associated with garbage that finding another hole in the ground, whether it is in Metro Toronto or in the greater Toronto area or in Kirkland Lake, is not going to solve. Reduction, reuse and recycling, in that order, are going to solve the problems. It is not just a landfill problem.

I want to tell you something else. We have been talking a bit about refillable container legislation. There is room in this Environmental Protection Act for addressing that, but we have been hearing that people will not buy refillable containers and that we should reduce the amount they are supposed to be producing in refillable containers.

Last August, I did a little study of my own in Sault Ste Marie. In the four-week period I did the study, refillable containers were mentioned in the advertising that was promoting the sale of single-use containers. We were talking about Coca-Cola and Canada Dry. A case of 24 tins, with coupons—coupons, of course, are the most promotable item out there. When you want to promote a subject, give people coupons to turn in. They think they are getting a deal. Then they point out, "Oh, the 750 ml bottle is available too, at a higher price per 100 mls." This happened every week of the four weeks I was looking at the ads, coupons for Pepsi-Cola or 7-Up in a two-litre bottle, "Buy one, get one free." This is five cents per 100 millilitres. By the way, the 750-ml refillable bottle is 9.2 cents per 100 mls. It was right there in the ad. I have four ads. You can take a look at them. This is during the same period of time we were hearing, "Most Ontario consumers won't buy pop in refillable bottles, even when they believe those containers are better for the environment." That is a load of crap.



I intend to recycle these. I will not put them in the landfill. I just want to tell you that we have to have some more action. We have to have some more action on reduction, reuse and recycling and we have to deal with this stuff seriously before we start pushing it away and pushing it aside, out of sight and out of mind.

**Mrs Marland:** Ms Brosemer, you talked about the fact that you could not go into a pizza parlour on Yonge Street and buy pop in a refillable container. I am wondering how familiar you are with the current Bob Rae socialist government's Minister of the Environment, Ruth Grier, and her policies, because she has chosen, in a year and a half in office, not to take any action on increasing the percentage of required refillable containers. She has the power through regulation to tell the industry what kind of containers it has to sell its pop in. I wonder if you are aware she has that power, through regulations. She does not even need legislation to do it. Do you know what her powers are and that she has not done anything on that item you are concerned about?

**Ms Brosemer:** Yes, of course I know that.

**Mr Ramsay:** Kathy, I particularly enjoyed your presentation. As a northerner, I am very sensitive to the idea that we have to recycle more in the north. As you know, in many smaller centres in northern Ontario we do not have any recycling. It is one of the reasons I have kept an open mind on the Kirkland Lake proposal, in that it seems to me you need a certain economy of scale to do some viable recycling. It seems to me that whether greater Toronto area garbage comes to the north or not, it might be nice to have some sort of regional recycling centre, maybe for the northeast. Since you are an activist in this community, I want to get your views on that. Maybe we need regional centres for recycling in the north. Will that make it more viable for the small towns?

**Ms Brosemer:** I do not think regional centres for recycling will be an answer. Please correct me if I am wrong, but I believe what you are talking about is a regional sorting centre, and I must come back to what our previous presenter said about that. What we need in the north are industries that are actually going to do recycling. We need things like a paper mill in Thunder Bay that is going to do de-inking, which we have just got. We need Algoma Steel to take steel cans. We need as many opportunities of those types as possible, but no, we do not need more sorting facilities.

The greatest costs of recycling in the north are in collection. We expect to send trucks around to pick everything up. I do not think we need to do that in all areas. Depots make sense, open sheds make sense, but some of our municipalities are against those ideas because they are afraid of them. We have seen that it works in our sister city. The depots, unstaffed and open all the time, work. Our city, Sault Ste Marie, would not accept that idea.

**Mr Martin:** The same as the others, I thank you for coming and presenting. You came a long way this morning.

There is some question here whether this government really reflects a common sentiment out there, particularly in the north. Would you speak to us a bit further on both

the survey that Karl Morin-Strom did and your sense of who you represent, and the numbers and the sentiment out there to support this kind of initiative?

**Mr Brosemer:** It is not just who I represent and the numbers. I get on radio call-in programs a lot, so I feel I have a sense of what not just the members of our association but the people in our community want. There is a very strong sense that the north has been used as a dumping ground, that the north has been used as a source of resources. Take the wealth to the south. The wealth goes south and never comes back. I do not think garbage coming back is bringing wealth back, frankly. It is using the north as a dumping ground. I am very concerned about any community in the north that would decide to take garbage, or be allowed to take garbage, from the south. One of the strongest industries we have in the north is tourism, and it remains the strongest in spite of a lot of other things that are going wrong in our resource industries. It puts that industry in great jeopardy when we start referring to the place where southern Ontario garbage is going.

**The Chair:** We appreciate your coming before the committee this morning and we appreciate your presentation.

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ED BURT

**The Chair:** I would like to call Ed Burt next. You have 20 minutes in total for your presentation. We ask if you would leave a few minutes at the end for questions from committee members.

**Mr Burt:** My name is Ed Burt. I live on Manitoulin Island. I have been farming organically for about four decades now on my farm. All the waste that has ever come on to my farm, into my house or anywhere else is still there. I think I have come closer to zero recycling than anybody I have ever met, but I have a long way to go.

Madam Chairman, I would like to know who I am speaking to here. Is it the lady and gentleman on this side of the house? I have been at the back for an hour and I have heard some what seems to me to be political wrangling. That is why I never go to Queen's Park; I do not like listening to that. I came over because I was concerned about a problem.

**The Chair:** Perhaps that is one question I can answer for you, Mr Burt. You are speaking to the standing committee of the provincial Legislature, all our politicians. Those represented here are members of the government caucus, and on this side there are three representatives of the official opposition and two representatives from the Progressive Conservative Party.

**Mr Burt:** Thank you; I guessed as much.

I would first of all like to say thanks for the opportunity to raise some points that are of great concern to me regarding waste management in Ontario. I have six points to make and I will try to present them as quickly as I can.

First, I believe the majority of people in Ontario are prepared to work towards reduction, reuse and recycling. It is not a new concept for a lot of people. I think the emphasis should be in that order. Some day in Ontario we will neither import nor manufacture products that cannot be

recycled here, if we are serious about being a part of the circle of life, and the materials we now waste will become resources.

Second, I think landfilling is wrong. It is a crime against the earth to bury any of the approximately 27,000 toxic, corrosive and inflammable products available to people today. Looking at the best models in the world today, separation at source is the only approach that really works. All the organic material should be composted, and we end up with a benign product that has had the toxic materials removed.

This rather benign material can be dealt with in a number of ways. We should be dealing with diminishing amounts as we reuse and recycle more and would not need ever-increasing amounts of deep land. A lot of people in our area believe the landfilled portion of separated waste could be safely stored—that is what any landfill is: a storage; a very poor storage, I might add—on clay-covered Niagara Escarpment rock. It may not even need to be covered. It could be monitored and left to decay in a normal way.

The emphasis in waste management should not be on landfilling, but on separating at source, dealing with toxins, the 3Rs and composting. We do not know enough about the aquifers in our deep land to take the risks of landfilling all our waste.

Third, I believe exporting garbage is a bad idea. It does not give people the opportunity to be responsible. It sets a bad example, and an "out of sight, out of mind" example is a risk we cannot afford to take. There are a few people who will have to be dragged kicking and screaming right to the wire when an environmentally sound approach is implemented, and a separation-at-source approach to waste management is just that.

The precedent we set by exporting waste sends the wrong message to the rest of the province. There is no logical reason why every area's municipalities cannot separate and deal with their own waste. We have millions of tonnes of waste to be dealt with in an environmentally appropriate way, and thousands of unemployed people today.

Fourth, I tried unsuccessfully to obtain a copy of Bill 143. I got a thing that says Bill 143, but I found out afterwards it was not. Anyway, I had a friend read some of Bill 143 to me, and my main concern was with the area of exporting waste. It seemed to me that Bill 143 denounced export but that section 29, as amended, might allow export. It is not at all clear to me what the minister intends in section 29, but I urge the minister to make a clear statement that the export of garbage is prohibited in Ontario.

I would like to close by sending a message congratulating Minister Ruth Grier on her stand on waste incineration in Ontario. With the information coming out of Europe, the wave of opposition from newsletters and films opposing incineration and the alarming statistics surfacing in the United States, it is refreshing to see our minister preventing the poisoning of our province before it occurs.

Last week I read in a publication from the US that 88% of American children younger than six have sufficient lead in their blood to retard their mental, physical and emo-

tional development. I believe pollution is more serious and more damaging than previously thought. When I see the Environmental Research Foundation in Washington, DC, putting out a paper entitled *Why Plastic Landfill Liners Always Fail* showing in detail why landfills fail and why we should not be putting incinerator ash in landfills, I am encouraged by Ruth Grier's bill.

In conclusion, I think it is time we took a new look at how we deal with our waste in a responsible way. I might add that I have been on a steering committee in our area, and I have been working on new concepts with environmental groups for years, trying to find more appropriate ways to deal with garbage.

**The Chair:** Thank you very much for your excellent presentation. You requested knowing who was here. I also want to point out that the parliamentary assistant to the Minister of the Environment, Mr O'Connor, is here representing the minister. The people at the side are representatives of both the GTA waste office and the Ministry of the Environment, as well as assistants to the minister and the parliamentary assistant. So those are the people who are here. On this side, we have the clerk of the committee, the Hansard reporter and legislative research.

**Mr Burt:** I have watched the tangled web our governments have allowed the Ministry of the Environment to become entangled in for the last couple of decades. We are at least two decades behind in dealing with our garbage in a responsible way. I am not really a fan of any government, but I guess I am more of a fan of our present one than any for quite a while. We have made an appalling mess and we certainly cannot blame our new government for that. Maybe a couple of years from now we will be able to blame it for not taking some positive action so we can get on with dealing with our waste in the municipalities where we should be dealing with it.

**Mr McClelland:** Mr Burt, I will try to give you a copy of the bill.

**Mr Burt:** I do not really worry about that so much, because I am not going to be writing the bill anyway and this is probably the last presentation I will be making to this group. I will get it some time.

**Mr McClelland:** None the less, I would be pleased to try to get you a copy of the bill, because I think you are a very thoughtful man. Indeed that has been demonstrated by your presentation here this morning. I would simply ask you to read it and consider it in full.

You say you are encouraged by the bill. I do not doubt for a moment that you are encouraged by parts of it. I will leave it for your own assessment, having read the bill in its entirety, to make your own evaluation whether it is just simply parts of it that you feel encouraged by, which I think are laudable, or whether you are encouraged by the bill in its totality, recognizing that the bill contains much. It does not speak simply about incineration and the export of waste, issues you have talked on, it speaks about much more.

Having said that, I will simply say that I thank you for being here, present you with a copy of the bill and hope you will have the opportunity to look at it in its totality.



**Mr Burt:** I am pretty familiar with it. I had two lawyer friends talk to me for at least five hours on the telephone—as long as my wife does not find out what my telephone bill is—and I listened to and read the speech Ruth Grier wrote on incineration and fly ash. I have a copy of it here. That is really not that important to me. I am not writing the laws. I am very concerned about the mess we have got ourselves into and about how important it is that we start using some people. We have cut out the local people who care about these messes. We have a tangled web of bureaucracy that does not work and we have been decades doing it. I have a master plan here. I can read to you in a minute about one of the most ridiculous things you could ever imagine that happened in our area regarding landfills. I am concerned about the tangled mess we have got ourselves into.

**Mr Martin:** I would like to know, Mr Burt, where you are from.

**Mr Burt:** I am from Manitoulin Island.

**Mr Martin:** Perhaps you could talk a little bit more about the committee you belong to which concerns itself with the issue of waste management, how many people there are and whether your view represents a fairly widely felt sentiment in the Manitoulin area about waste management.

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**Mr Burt:** I am not sure how many people I have standing behind me. When I look around sometimes, I do not see anybody. We have 1,400 or so people in our municipalities. They have been surrounded around one nasty landfill that we have been fighting over for years. It is small groups. We have put together an outline of the Manitoulin used material storage concept, a concept we thought would work really well. We did this years ago and we made a plywood model of how we would build a transfer station.

I have no idea. I have been to schools talking to children and I have had a lot of children out to my farm. I do some recycling of paper from Manitoulin Transport and I did some composting from a small restaurant last summer. I could talk to you at length about it, but as to actually how many people, I think 90% of the people would like to do a better job of caring for our earth than we are doing. I do not know whether they are all—they are not in my group, I guess.

**Mr Cousens:** When you express support for the bill, are you aware that this bill removes the right of people to object or involve themselves in objections to changes in a landfill site such as Keele Valley or Britannia, and that with the very kinds of concerns you would have with a landfill site near you, where you would have objections, there will not be this opportunity for people in Keele Valley and York region?

**Mr Burt:** No, I guess I will have to say I am not that concerned. I am not concerned. We could see two decades ago that in the greater Toronto area we were in garbage up to here, and now it is up to here. We could see it coming. All you have to do is walk around the back streets of Toronto in the evening and see the green garbage bags. We

have never had a green garbage bag in our home, on our farm. We just will not have one.

I am not interested in that. The thing I am interested is the whole blue box idea. It might be good for some people. It has only taken 4% or so out of the waste stream. My wife and I were talking about this just recently. If somebody brought a blue box from the municipality into our home, we would have to go out and shop and buy something so we could use it, so we would have something to put in it. Our well is just down below our fields. Everything that comes on to our farm, we deal with ourselves. I have property that encompasses two landfills. I do not believe in the way they deal with it, so I never take anything there. For four decades, I have been trying to be more responsible with my waste and I have no need for a blue box. I have nothing to put in it.

**Mr Wiseman:** I am intrigued by the fact that you have been able to avoid putting anything into a landfill site. How do you avoid all that packaging that is out there?

**Mr Burt:** I just do not buy it.

**Mr Wiseman:** Everything comes in a package.

**Mr Burt:** Like what, for instance?

**Mr Ramsay:** Shaving blades.

**Mr Burt:** Shaving blades: I guess I have to admit that my mother-in-law gave me an old razor a day or so after my father-in-law died and it has been clunking along for a couple of decades.

**The Chair:** You have about a minute if you would like to sum up, if there is anything further you would like to share with the committee.

**Mr Burt:** I guess my summing up is that I would really have liked to talk at length about the mess we have been getting ourselves in with master plans and the amount of money this has cost municipalities. I would like to think that there is a whole new concept. I do not think we need a landfill where we live. I think we can get along just fine without one.

The thing that bothers me quite a bit is that we have some archaeologists digging in Manitoulin right now and they have been talking about civilizations that have been there for 30,000 years. I do not want some civilization some time in the future to be digging on Manitoulin and then after they get some of their stuff back to the lab, say, "This wasn't the Stone Age or the Bronze Age or the Iron Age; these people lived in the Trash Age." That is where we are right now and I hope this committee helps us get out of it.

#### SUDBURY AND DISTRICT CHAMBER OF COMMERCE

**The Chair:** I would like to call next the Sudbury and District Chamber of Commerce. Please come forward and introduce yourself to the committee. You have 20 minutes in total for your presentation. All members of the committee have received your written brief. Please begin by introducing yourself, and we would appreciate it if you would leave a few minutes for questions at the end of your presentation.

**Mrs Warwick:** My name is Jeanne Warwick and I am president of the Sudbury and District Chamber of Commerce. We welcome the opportunity to participate in this important consultative process undertaken by the Ontario government on the subject of Bill 143, the Waste Management Act, 1991. We commend the government for recognizing the need for meaningful consultation with all concerned parties. Broad-based consultation is vitally important to the process of developing an effective approach to waste management in Ontario.

The Sudbury and District Chamber of Commerce, now in its 96th year of leading and serving the Sudbury area business community, represents over 850 businesses throughout the region, or, if you wish, employers. Our membership encompasses both the multinational corporation and the small entrepreneur, but primarily we represent small business. In excess of 76% of our membership is made up of firms with 10 or fewer employees.

The Sudbury and District Chamber of Commerce is a strong advocate for environmental management based on sound fiscal and business principles. Our chamber has become a leader in its own small way in providing an opportunity for business, industry and government to come together to share their experience, their expertise and their initiatives in this area.

In 1991, the Sudbury chamber became the first chamber of commerce in North America to host a trade show dedicated to environmental issues, and Ruth Grier was in attendance at that time. The year 1992 will mark our continued interest and commitment to the role business and industry play in the environmental question, with the Sudbury chamber joining forces with another local organization to host an expanded trade show and exposition on the environment. We anticipate over 40 exhibits, several nationally and internationally known speakers, government leaders, informative seminars, and more, for the hundreds of attendees who will participate. This is going to be held at the Holiday Inn, with exhibits on both levels, and the movie theatres will be showing environmental films. I think it will really be a great exposition.

1140

Our comments pertaining to Bill 143 will be limited to part II of the legislation, "Waste Disposal Sites."

It concerns us that the Ministry of the Environment will not consider the economic and development opportunities associated with the transportation of waste from the greater Toronto area to any other area. Given the optimistic waste diversion targets announced by the minister recently of 50% of waste being diverted from Toronto landfill sites by the year 2000 through stepped-up reduce, reuse and recycle programs, statistics show there will still exist a significant shortfall and a need for additional waste disposal sites within the next few years.

It is the opinion of this chamber that the Rail Cycle North opportunity negotiated between the Ontario government and the communities of Kirkland Lake, Englehart and Larder Lake provided an acceptable environmental solution for the GTA while at the same time offering a much-needed economic shot in the arm for northern Ontario. This cooperative partnership offered the Adams mine as an

economically viable and environmentally safe landfill for Metro's residual waste and would have created secondary manufacturing opportunities in the north.

The bill, if passed in its current form, will have serious long-term repercussions on the citizens of Metro and those of northeastern Ontario. The ministry's refusal to consider the Kirkland Lake option establishes a precedent that precludes any likelihood of any type of recycling industry being established in the north, since in most cases the raw materials would have to be transported from other parts of the province to this site. This opportunity and the potential for other similar projects would have had a significant positive effect on the economic prospects of northern Ontario and would have done much to diversify its economic base.

Instead, the Ontario taxpayer will be forced to incur added costs to locate a suitable landfill site in the GTA, in addition to the construction costs to establish the necessary infrastructure to support the site and compensation payments to neighbouring property owners. Longer hauling distances will result in increased traffic on already overly congested roads—everybody complains about the garbage falling off the trucks as they go along Highway 401—and increased costs to municipalities for their collection contracts over the next 20 years.

We believe strongly that the Rail Cycle North proposal is a safe, environmentally sound and economically viable opportunity that must be considered as an option in the York-Metro site search. We encourage the ministry to commit itself to working with various stakeholders in an atmosphere of cooperation and common sense to examine all reasonable options and opportunities in creating innovative solutions to the environmental challenges we face today.

**The Chair:** Thank you very much. We appreciate your coming to the committee this morning.

**Mr Wiseman:** How much time do we have?

**The Chair:** We have approximately 14 minutes in total, so perhaps you would be very careful in the amount of time you take of that.

**Mr Wiseman:** My question has to do with the notion of residual waste. Just for clarification, my notion of residual waste is that it is what is left over after all the recycling materials have been removed, and therefore it is material that has no recyclable value.

Since the proposal that has been put forward by CN continues to call for increased recycling in the GTA and says that this material should be removed, it seems to me that with this proposal, all that will be coming north is material that has already been gleaned of its valuable product. The only thing coming north will be residual waste, which would then be landfilled, with very little opportunity for recycling. In the document itself, it says that more recycling is going to be done closer to Toronto, so I have some difficulty understanding what it is you think you are going to get from Metro's waste.

**Mrs Warwick:** I guess I am looking at this from a business point of view. There is an open mine pit at Kirkland Lake. There is the Ontario Northland Railway that is



going to close down if it is not used. It seems to me it just makes common sense that we put the garbage in the train, take it up to Kirkland Lake, dump it in the pit, fill the pit up, put some earth over the top, and bingo, your mine site is filled.

It would be nice if cans and paper and whatnot could also go to Kirkland Lake, because then they could have a secondary industry up there and build on the recycling part of it. If we do not do it soon, Ontario Northland is going to take up the railroad track and our opportunity will be lost to use this means of transportation. I would hope everything would go up.

**Mrs Marland:** Ms Warwick, what do you think is going on in this debate in the north? You speak very eloquently for the chamber of commerce. Someone earlier, with rather more colourful language, I should say, using the word "crap" etc, said that was not the kind of job she wanted. She said she had a complaint about non-refillable containers and understood the ministry had the power to change the regulations that govern that, yet it is the same minister she is supporting, with this bill.

It is very hard to understand what the message is that we are hearing. You have someone who says she does not want a garbage job, and yet this is confined, as far as actually dealing with the garbage is concerned. If the garbage was containerized on a train and it went to that one site, why do you think there is a concern that suddenly the picture of tourism in the north is one of garbage when it is going to one location, namely, the Adams mine site, which I understand would be for a 20-year project?

You are speaking, as I say, for business and commerce, which create jobs. If there are more people working, obviously everybody's job opportunity is enhanced, because whoever is working on the trains or at the site or in a recycling facility will spend money at the grocery store and the furniture store and so forth.

Yet the debate is very difficult to hear actually up here this morning. The representative of the elected people, namely, the municipalities—you speak for the business people; Mr Gray spoke very well this morning for the elected officials, who are elected by these people who have to eat, sleep and work in the north. Do you have any understanding of why there is this kind of debate, except maybe from some erratic fringe element?

**Mrs Warwick:** The environment is going to be the biggest issue of this century, I am sure, but I honestly cannot see the problem. You have too much garbage in Toronto. We have a pit up there, so you truck it up there. There is nobody around. Nobody is going to complain about the smell or the noise of cans, whereas in Toronto they would have to use good farm land to make another landfill site. They would be trucking garbage down the highway again in the big trucks and what not.

It does not make any difference to Sudbury. We are not involved, except that we are very concerned about our brothers and sisters in the north and the economy of the north. The north has been really hard hit and we are looking for jobs for financial stability up here. I commend this group for getting on the bandwagon and having the intelli-

gence to see the potential of what is there. There is a free pit and there is the railroad already there. It is going to be taken up if we dally and dilly around on this. There will not be any railroad and then it will cost a fortune to truck it in. To me, it is elementary, but perhaps I am missing the whole—even the—

Interjections.

**Mrs Warwick:** I am sorry; I did not hear.

**The Chair:** Mrs Marland's time is up. You can complete your answer and then Mr Ramsay has the floor.

**Mrs Warwick:** I was also going to mention the leachate in the mine. In the north, you are not worrying about contaminating drinking supplies, whereas in a highly populated area, the leachate from the garbage runs into all the waters that service the drinking for the population in the south.

1150

**Mr Ramsay:** Ms Warwick, I would like to congratulate the chamber in Sudbury for being so strong an advocate for the environment with your seminars and so on. You can be congratulated for taking that leadership role in the business community. That is excellent. However, I would want to say—I am the member for Timiskaming, the area where this Kirkland Lake proposal is currently being discussed—I must take strong objection to something you say, that you believe strongly this is safe and environmentally sound, because part of the reason we are here and debating this is that none of us is an expert and we do not really know that to be true.

What I have always asked for, and what we are no longer ever going to have the chance for once this bill is passed, is to have an environmental assessment on this proposal to let us see if it can prove itself to be environmentally sound. Maybe it is; maybe it is not. I certainly would not support it if it was not environmentally sound, but we are never going to have the chance to prove whether this project is environmentally sound. That is why an earlier presenter said this proposal will never go away. One way to make it go away, if that is what people want, is to put it to the environmental test and maybe it will fail. If it does, I certainly would not push it and most people in the north would no longer push it.

We really do have to have an environmental assessment on these projects, and of course this bill will not allow environmental assessment hearings once the minister has deemed a certain site to be acceptable. That is what is wrong with this bill.

**Ms Haack:** I appreciate your comments. They lend an interesting perspective. I do have to take some exception to one of the comments you made with regard to leachate, that basically because of the Adams site being located where it is, it would not really have an impact on southern Ontario. In fact, groundwater moving into Lake Superior would obviously have a cumulative effect on anyone taking water from any of the lakes downstream, thereby having an effect on people within the whole Great Lakes basin on either side of the international boundary.

I would hope you will contemplate that remark and really think about the fact that the kind of leachate produced

in a site like that will be highly contaminatory and have an impact on many millions of people living around the Great Lakes basin. It is not really acceptable to many environmentalists on both sides of the border.

**Mrs Warwick:** Is that not what I said?

**Ms Haeck:** No. In fact, you said it was not—

**Mrs Warwick:** If it came out that way I am sorry. I meant that was a disadvantage for it being in the south and an advantage for it being in the north.

**Ms Haeck:** But that still is the problem because leachate moves into the groundwater and moves into places like Lake Superior and obviously ultimately has an impact on the Great Lakes basin.

**Mrs Warwick:** I see what you mean, yes.

**The Chair:** Thank you, Ms Haeck. Mr Cousens, you have the floor.

**Mr Cousens:** I want to thank you for your presentation. I think you have really answered the question raised by my friend, Mr Ramsay, because you are just saying to let the Rail Cycle North proposal be considered as an option. The kind of thrust Mrs Marland and I have been taking is, let there be an environmental assessment on it; let it go through the whole process and then if it comes through and is safe and is good, it can then be implemented. That is a responsible approach to it. I guess what we really want to do is continue to welcome business. We have had unions come in this morning, and environmentalists, to help us solve our problem. I think you are to be congratulated for the presentation you have given and for the kind of direction you have taken in it and I thank you.

**Mr McClelland:** If I may continue on that theme, the thrust of many presenters you have not had an opportunity of hearing, as we did in Toronto, was that the bill precludes looking at the best environmental solution or combination of solutions possible. That is why, I suppose, I find it curious, as somebody who is as interested as most people—I would defy anybody to challenge somebody in terms of his sincerity and interest for the long-term wellbeing of our planet and what we will leave for our children—for people to say, “We like this legislation,” when it has very clearly, in so many people’s minds, said that it removes the possibility of exploring a range of solutions and finding the best environmental solution to deal with a multiplicity of problems.

That is what Mr Ramsay was saying. He is not necessarily saying it is the right way to go; he is saying, “Let’s make sure we consider options carefully and think long term and think down the road, not for a year or two but literally for generations to come. That is what we want to do.”

**Mrs Warwick:** It is incredible the strides that have been taken. People have become so aware of the environment in the last few years. The children are exceptional. They are very aware of bottles and cans and paper and what not.

**Mrs Mathysen:** Mrs Warwick, thank you for your presentation. I know you are in favour of transportation and I wonder, do you think the Interim Waste Authority

should extend the site selection to the entire province? If transportation is a positive solution, should we extend that site selection province-wide?

**Mrs Warwick:** I do not know where you are coming from; I am sorry. I am just thinking of the Ontario Northland Railway specifically at this point, going up to Kirkland Lake. Are you thinking of other landfill sites in other areas?

**Mrs Mathysen:** I believe that if transportation is back on the table then all the other sites that were previously considered have to be back on the table as well, and that would include sites closer to the Metro area. I wondered what your thoughts were on that.

**Mrs Warwick:** I am really basically concerned with Kirkland Lake—or the chamber is—and the economy in the north right now, because the north needs some diversification.

**The Chair:** We appreciate your coming forward this morning. If there is any additional information that you or any of the earlier presenters would like to share with the committee in the future, please feel free to communicate with us in writing.

BILL BRADLEY

**The Chair:** I understand Joanne Fleming has arranged for someone else to take her time. Would you come forward and introduce yourself? You have 20 minutes for your presentation and we ask you to leave a few minutes at the end for questions from committee members.

**Mr Bradley:** My name is Bill Bradley, and basically I have a fairly lengthy environmental background. I apologize for not having a written presentation right now since I was just informed of this meeting yesterday.

**The Chair:** A written presentation is not required. Everything you say will be recorded in Hansard and become part of the public record.

**Mr Bradley:** Generally, I have three basic kinds of background: environmental, sustainable economic development and I was a politician as well, albeit at the university level, but I did win three out of four of my elections. I guess that gives me some kind of credibility among the members here.

On my environmental side, I have worked for the Pollution Probe Foundation in Toronto for five years. Here in Sudbury I am a freelancer for the MCTV show “Down to Earth,” which I am happy to say is quite successful. North-eastern Ontario is still interested in the environment, according to our ratings. We were only hoping to get 5% but we have got 9.9%. I guess that means people in the north are still quite interested in the environment.

On the sustainable economic development side, I also have a passion and interest for community economic development and in the late 1970s I was involved with a group called Sudbury 2001. I will make a few more references to that later—or earlier, I suppose.

1200

I am not going to speak with a lot of statistics and facts and figures because I came into this kind of late, but I will speak from the heart and from some of my experiences



which I would like to share with you. With respect to the export issue, although my heart goes out to communities like Kirkland Lake and northeastern Ontario that are experiencing economic downturns, I have to look back at the memory of my own experience here in Sudbury in the late 1970s when we ourselves were faced with a massive shock to our economy. We lost somewhere close to 5,000 jobs in the nickel industry through layoffs at Falconbridge and Inco, and the community was shell-shocked by that. Before that I think everyone here felt our future was tied to nickel. The trouble with nickel, being an international commodity, is that it has price fluctuations. In the market downturn we had in the late 1970s we suffered tremendously.

What happened in the community is that the community leaders came together in a multiparty coalition to try and diversify the economy. It seemed like an impossible task because I guess at that time, and I am not sure of my figures here, perhaps 30% of our jobs here were directly related to the mining industry. A conference was initiated and different kinds of economic development strategies were discussed. There was the possibility, for instance, of having jobs created through what many would consider a problematic way of generating jobs, ie, Eldorado Nuclear wanted to build a refinery just to the south of the city. Sudbury was considered a potential host community.

What happened is that people became concerned, and perhaps rightly so. We have had a long history of being considered a community with a sort of moonscape. Our quality of life has been critiqued by all kinds of people and members of the community felt it would not be good for our community to generate jobs by going with Eldorado Nuclear. That is what happened. The community rejected that kind of job opportunity and business opportunity and went on to diversify its economy. Just looking at some of these statistics lately, I see that our economy has a jobless rate of 8.6%, which is terrible, but in consideration of some of the other statistics I see from southern Ontario it looks pretty darn good.

What happened is that this community pulled together and diversified its economy aggressively. They followed an old election slogan of mine which won for me, and that is, where there's a will there's a way. We found that way. We diversified our economy and we have been successful. Now members of the community are coming together through a green plan initiative whereby we are getting ready to tackle another major problem here, and that is our image. Hopefully we will have as much success with that as we have had with diversifying our economy.

My point is that perhaps the people in Kirkland Lake might feel that generating jobs with the importation of garbage may be problematic for them and may feel that there may be some sort of community stigma attached to that, but where there's a will there's a way. They do not have to go that route. They can follow Sudbury's example and diversify in ways that win the support of the whole community. That is my point with respect to a northern perspective.

I have also spent a lot of time in Toronto. I am from Toronto. I am from the Beaches area. I have lived down-

town and in a housing co-op beside Regent Park, as well, when I worked for Pollution Probe. From my perspective from living in Toronto, I noticed that when the blue box program was initiated it engendered a tremendous amount of spinoff in terms of people getting interested in other environmental issues. People started talking about composting in their backyards. They were concerned about packaging and it seemed the blue box was almost like a Trojan Horse of a beneficial nature. It really helped to increase our awareness and involve the public right inside their homes in terms of getting involved with the environment.

Of course there are those who would say that Toronto has an insurmountable problem, that it is running out of landfill and that there is no way we can divert as much garbage as we need to. I would like to share with you another experience when I was at Probe and that is the Hogg's Hollow project initiated by Pollution Probe. We took a middle class or an upper middle class area at Yonge and Old Mill called Hogg's Hollow. A pilot project was initiated there in, I guess, 1988, and within four to six weeks Gord Perks and some other Pollution Probe staff people and volunteers were able to work with that community and reduce garbage by 80%. They got a tremendous amount of participation in that neighbourhood and, hey, it can be done.

Pollution Probe itself held an international conference after that in late 1988, bringing experts from Germany, the Netherlands and the United States to share with the Canadian participants, planners and other people that things can be done. Where there's a will there's a way.

My concern with export, from the Toronto perspective, is that it might undermine, and probably will undermine, the individual's responsibility for reducing garbage. One thing I noticed about the way the blue box was organized in Toronto was that they had two words on those blue boxes: "We recycle." For those people who live in Toronto, it is those two words that sort of crystallize the Toronto attitude in the sense of, "We recycle, so should you recycle?" There certainly were high participation rates there.

On the business side, certainly we live in trying economic times and it is hard on the business sector, but another project I was associated with at Probe was called Profit from Pollution Prevention, a book geared to small manufacturers in Canada. Waste reduction efforts allowed those businesses to reduce their effluent flows and often had paybacks of two years or less. There are a number of case studies in there. That book was a reworking of an original 1982 book by Bill Glenn called Profit from Pollution Prevention.

I have always been impressed by the Ontario Waste Management Corp, their newsletter and their engineers, John Richmond and Ken Bradley, who work with small business as well in terms of reducing effluents and waste in general. Not only would we potentially reduce the incentive for individuals to recycle, but it may be good for business as well because we are moving into an environmental age, and as Frank Hess of the Sudbury Regional Development Corp says, there is a great potential for environmental industries. In fact, the SRDC here is

making that a focus of its continuing and ongoing means of diversifying the Sudbury economy.

Last—I only have about a minute left—I would like to say that although environment may be down in the polls recently, the environment is not a trend; it is not a fad. We just a week ago saw a headline in the *Toronto Star* with respect to the thinning of the ozone layer, and that affects all of us here. There is a need for Canada to become an environmental nation and our citizens to become environmental citizens. The federal government's Green Plan in one of its sections stated a need to have an environmental citizenry. To me, the export of garbage undermines that concept and may in fact be harmful for business in general.

**Mrs Mathysen:** I was wondering if you would put some meat on the bones of what you said. The one thing that bothers me about the whole transportation proposal around Kirkland Lake is the feeling that it could be environmental degradation masquerading as economic development. You made reference to a proposal by Eldorado Nuclear for a project in Sudbury that would create economic opportunities, and that the community rejected that in favour of another form of diversification. Could you tell us about what the community did?

**Mr Bradley:** The sector of the community that was most concerned was the labour sector. Local 6500 and the Canadian Union of Mine, Mill and Smelter Workers were concerned about Eldorado Nuclear more from a workers' health and safety perspective, but I think the community as a whole felt uncomfortable with having a nuclear refinery so close to the city. In fact, one of the sites was just to the south of the city. I am just saying that this was something coming in from left field, but the community did not bite on that. It did not throw up its hands and say, "Okay, what do we do now?" They continued to forge ahead, to seek every avenue they could, and I really wish that communities like Sault Ste Marie had got on the bandwagon the way Sudbury did years ago because you might be in better shape than you are now.

I am just saying that we do not have to suffer from job blackmail. There are ways out of this if we use our creativity and our community will, and above all, work together.

**Mr McClelland:** You may or may not want to respond. The comment was made about environmental degradation. What are your feelings with respect to the importance of the EAA process and the involvement of citizens' organizations and groups and people who may

have a wide range of opinion, oft-times a conflicting opinion, and the opportunity it affords to put those on the table, to subject them to the closest scrutiny possible, to cross-examination, and then a determination being made by people who, as much as any of us can be, try to sit with a degree of objectivity to arrive at decisions? Any comment?

**Mr Bradley:** One thing that has given me heart lately has been the five constitutional conferences. Like many other people, I have been pretty depressed about the state of our nation, but those conferences seem to be coming up with mechanisms that lead to hope that our country may come together at last. Without that kind of public participation, that tends to turn the public off. They become disempowered, cynical and sceptical, and that is not the kind of public we want. In Canada we have more people who vote in elections than in the United States, and that is perhaps because there is more opportunity for public participation.

**Mr McClelland:** My friend said that perhaps one of the difficulties with Bill 143 is that it will be seen in history as the Meech Lake of the environmental process. Every decision will be made behind closed doors by a group of people removed from the citizens without any participation. I thought it was a very good analogy and I leave that with you. Thank you for your participation.

**The Chair:** Thank you for appearing before the committee this morning. We appreciate your participation. If you have additional information in the future that you would like to share with the committee, please feel free to do so in writing.

For the interest of those who have attended this morning's meeting, all of the comments and proceedings are available in Hansard. It takes a couple of weeks for them to be made available. They are available through Publications Ontario at 880 Bay. I think there is also a government bookstore here in Sudbury where Hansard can be made available. If you contact any of the local MPPs, or any of the political party constituency offices, they are usually happy to get you copies of Hansard as well.

Thank you for joining us this morning. The standing committee on social development will reconvene at 1:30. We thank all committee members for their cooperation this morning. The standing committee on social development stands adjourned until 1:30 this afternoon.

The committee recessed at 1216.



## AFTERNOON SITTING

The committee resumed at 1332.

RON YURICK

**The Chair:** The standing committee on social development is now in session. I would like to welcome everyone this afternoon. These are public hearings on Bill 143, Waste Management Act, 1991. I would like to call our first presenter, Ron Yurick. Are you here? Please come forward. You have 20 minutes for your presentation. Please introduce yourself to the committee for the purposes of Hansard, and we ask if you would leave a few minutes for questions at the end from committee members. Welcome, and please begin your presentation now.

**Mr Yurick:** I want to thank you for this opportunity to speak in front of you today. My name is Ron Yurick. I am from the community of Chapleau, which is some distance northwest of here on the CP main line.

I have long been interested in the garbage issue and got particularly involved in this round of it because I was acting in response to another proposal that had come forward for our community. There the proponent proposed to dump this same garbage we are talking about on a small town some 60 kilometres away from our town. In the fight against that, we thought we could not say no to Toronto garbage, in all fairness, if we were not doing the best we could ourselves, so we formed a group which is now called Enviro-Chapleau. I became the chair of that and have led the fight against the proposal in our town. That came to a head with a referendum in the last municipal elections, and the citizens of our town, in sympathy with other people being dumped on, voted 79.6% against being a host community. In the small town that was the target of the garbage, the vote was 98% against; only the chamber of commerce types voted in favour of it.

To highlight the issue further I ran for council, and I did not hide the fact that I was running on environmental concerns. In a field of 13 candidates, I was one of the four elected. I would point out I am not speaking on behalf of council, though, or the municipality. I did not seek their endorsement, but I am speaking with the endorsement of Enviro-Chapleau.

I can assure you that the new council is not in accord with the statements made by groups like FONOM this morning. We are northerners, we have sympathy for the plight of other northerners and I think we have a feeling that the answer is not this type of area exploitation.

I want to address parts II and IV of the bill and then I want to deal with the Adams mine proposal and make a few concluding remarks.

Even though to me Bill 143 is not as of high a calibre as it might be, I have to say that I like it because it addresses one central issue, that is, we have to begin to deal at home with our own mess. We have to deal with our problems where we make them; we cannot ship them off to other people. This is not in the bill but it is readily available. The fact is that Ontarians are slobs. We are number one in the world in per capita garbage production, we are number one

in the world in energy consumption, worse than every other single jurisdiction is what I get from the reading that is widely available.

This bill helps us deal with something that says we must begin to contain pollutants at the source where they originate. You cannot put chemicals in the pipe, in an analogy, run them through the sewer treatment plant and then say, "My goodness, they're coming out the other end. It meets the standards," because those standards keep falling. We keep finding out things. We have to deal with things at the source. We have to make sure every single producer has the responsibility. I would point out to you that this is not a matter of economics or of big dollars or of big business. It is a matter of environmental common sense. It is time that Ontario got serious—I underline that—about dealing with this problem.

I like the approach taken earlier this morning by the farmer from Manitoulin who said we cannot make this a political football; the people who are now in opposition cannot attack the present government because they had their kick at the can, they saw the problem coming for 20 years, 30 years, or if they did not, they sure should have seen the problem and they should have done something about it. Conversely, I would say to the government members that the farmer was absolutely right; the onus is now on you to make sure something happens. It should be happening in this mandate.

In part II of the act I have a problem. I may be wrong and I may be corrected, but I cannot find anything in section 12 that says the three landfill sites that are designated by this—dumps—the three areas in which the search has to take place, have to deal with the problem. It just says that these dumps have to be made available for the waste of those areas. I would seriously recommend to you that in section 12 there be some wording added that these areas be for the disposal of all waste other than that deemed to be hazardous products or hazardous materials.

Section 14 says the environmental assessments are not required to look at alternatives other than reduction, reuse, recycling and the other element about disposal, but it does not say they cannot be required or they will not be considered, that transportation out of your area or incineration anywhere will not be considered. It just says you do not have to put those in as alternatives. I would like to see this legislation made stronger to say that those things are not going to happen because right now the final say, as I read it, rests with the regulations that are accompanying this bill. I would like to see that if the rules change from what the present minister intends, that battle be fought out on the floor of the Legislature, not in cabinet or in the process of writing regulations.

In part IV of the bill I applaud the effort of the minister and of the government. I wish it went a little further and did not leave quite so much to regulation. I think by and large it is a step in the right direction in terms of dealing with the degradability of what we put in the ground and the environmental appropriateness and the problems. It

will not be accepted if there is any problem with recycling the material that is thrown out.

I will go on to talk a little about the Adams mine proposal. I have a copy of something put out. This is entirely from Notre Development and its associates. It is interesting that the first words we see are "sustainable development." All throughout this document we keep seeing "sustainable development." To me, sustainable development is not being able to mooch off some garbage that keeps coming into your area. Sustainable development means that the environment alone can sustain the human activities that are performed on it, that is, in spite of these human activities, the environment does not appreciably degrade. Thirty tonnes or 40 million tonnes of garbage is not sustainable. At best it can only be contained on the land, requiring substantial energy, chemical and physical inputs.

I would ask this committee to also consider the fact that the closure of the mines on the Ontario Northland Railway, the Sherman mine and the Adams mine, was announced on the same day. There is a saying in the mining community that the best place to prospect is beside an old mine.

#### 1340

Let's look at the definition of "ore body." It is a combination of mineralogy and viable economics. When announcements of two mines are made quite far apart on the same day, one has to suspect economics is the problem, not the mineralogy. I do not know and I suspect none of you know that this mine is absolutely played out and I suggest that you get strong, independent evidence that there is no more ore there. If that does not happen, the people of the Legislature who try to vote this thing down are voting in a total vacuum. Technology is improving and new mining methods are becoming available. We cannot go and dig up 10 million or 100 million tonnes of ore that are buried underneath 30 million or 40 million tonnes of garbage.

There is much that is suspect in this document. The economics are unbelievably suspect for the people of the Timiskaming area. According to the figures in Notre's report, they have accepted payment of \$300-and-some million for all of their income while, at the \$150-per-tonne tipping fee, the garbage producers of Toronto are avoiding costs of \$5.6 billion. Kirkland Lake is willing to take 1.5 million tonnes per year for 25 years, and in exchange they are getting, unbelievably, less than 6.5% of what Toronto is avoiding.

The report goes on to say: "We are going to set up a recycling plant. It'll deal with 120,000 tonnes a year." That is only 8% of the garbage. The first 92% goes straight in the hole. It is in the report. Let's assume that half of what is treated gets saved and the rest goes in the hole, so 96% goes straight in the hole.

Finally, the report goes on to say, eventually all of this stuff will be treated. They have figures here that say 100% of this stuff can be taken out of the garbage. So what are we taking it to Kirkland Lake for anyway? To put in a hole or just to ship it back? I think the whole intention behind this report is, "Let's just ship this stuff up north and get rid

of it and let's try to avoid the problem of dealing with the waste problem we have created in the GTA."

There are other things in here that are suspect as well. They talk about the long-term viability of this project, but they quite frankly admit that in 25 years it is all over in terms of garbage because the hole will be full. Long-term to me, in biological terms, is essentially for ever. We cannot just leave this time bomb ticking there.

They talk about, "If it is safe, it will not harm the environment, but rather improve it by preventing further deterioration." I ask you, how do you improve the environment by filling a hole that is going to become a lake that could eventually sustain a trout fishery by filling that hole in with 30 million or 40 million tonnes of garbage?

I am afraid we have been duped by this report in our chase after the almighty dollar. Northeastern Ontario, the Timiskaming area in particular, needs economic help to keep its economy going, but this is not the answer.

There are a lot more things I would like to say, but I see the time is getting around to questions, so I will leave the committee some time for that.

**Mr Martin:** Thank you for coming today from such a long distance to present to the committee. Certainly you can, I suppose, already see that your views reflect a lot of the concern we have on this side of the committee around this particular project and waste management as a whole. There is some question, though, as we come north that we on the government side do not speak for a large group of people out there when we oppose the simple movement of garbage north. Could you tell us a little bit about where you come from and who you represent and how many people share the sentiment you have expressed here today?

**Mr Yurick:** As I said, I am from Chapleau. There was a similar proposal for our area and there was a lot of debate in the community. We had another presentation by a similar type of proponent and the community simply said, "No, our environment is not for sale," despite what this individual said: liners, a two-foot-thick bed of concrete below the whole thing, total treatment of the leachate etc, on and on. Our community said no. We have seen these types of proposals go wrong. We can see them all over the American Midwest and down into the south where these things have gone wrong, and we do not want that in our area.

One question that was asked, by the way, was: "We have a developing tourism industry. What will this do to our tourism?" Unbelievably, the developer said, "Well, you know, if we promote it right, it'll be good for tourism," like a dump is going to become a tourist site, with no regard at all for the fishing, hunting, canoeing, skiing, whatever the other safe uses are.

I think our community and our group, Enviro-Chapleau, is very strongly against this. It is a very widespread, solid rejection of this type of idea. That was for our area. We would stand in solidarity with the people of the Kirkland area in saying no.

**Mr Wiseman:** I just had a thought that came through my mind, and that is that if a garbage dump is going to be a tourist attraction, I believe the people of the north are



going to be in some great competition with the Pickering area, where we have three already. That is just a comment.

**Mr Yurick:** That is fine. We will come and see your dump.

**Mr Ramsay:** Mr Yurick, as you are aware, the town of Kirkland Lake had a referendum last year that simply asked the question, not "Are you in favour of this at all?" but, "Would you be in favour of this plan proceeding to an environmental assessment hearing?" As I am sure you are aware, the town voted to allow that to happen if the government would allow it to happen. I just want to ask you if you feel proposals such as this, whether you agree with them or not, should go to the test of an environmental assessment before we make sort of final judgement on them.

**Mr Yurick:** Obviously before we go to final judgement they should. Unfortunately they should not get to the stage of going to an environmental assessment, because some things are morally, ethically, biologically, environmentally wrong, wrong, wrong.

I know there was a referendum there. The referendum you people had was kind of a yes-yes, "No, I don't want the dump, so I'll vote yes, and the environmental assessment will prove it's not going to work," or "I do want the dump and I know I have to go through an environmental assessment, so I'll vote yes." That was the essence of the referendum, as I understand it, in the Kirkland area. We also had a referendum that was more to the point and said, "Are we willing to be a host community?" and people strongly said no. I think a lot depends, as you well know, on the question being asked.

**Mrs Mathysen:** I wanted to go over some mathematics with you, but first of all to ask you about concerns that we had. CN presented to this committee last week or the week before and suggested that a great deal of the recycling of the waste would take place in the south, and that created concerns about whether or not there would be any real benefit to a northern community.

Our figures say that between two million and four million tonnes of waste will come north, and of that, only 120,000 tonnes will actually be recycled. According to my figures here, if it is two million tonnes, that means that for every tonne that is recycled, 17 tonnes go into the dump. If indeed all the waste and not a residue waste is coming north, would that not mean that a great deal that could be recycled is going to have to go into the hole?

**Mr Yurick:** The problem with the proposal and the state of mind of our population and our political population is: "Let's not deal with this. Let's not force ourselves to clean it up." I do not see people sorting stuff. For example, if trash was sorted in Toronto into metals, glass, organics etc, Toronto would deal with those things. They would have the recycling plants, the composters etc. Despite our feelings about Toronto here in the north, we know they are not fools. There is money in garbage and they will take it out. The blue box is one of the stages in the process.

What they do not take out or what people do not want to separate becomes compacted together. We do not want jobs picking out tin cans from among the diapers, and

maybe you can pay people to do that. But essentially what I see in this, and going by the numbers here, is the proposal that 92% of what comes on the train goes straight in the hole, because they are going to be looking at 8% of it and probably half of that will go in the whole.

**The Chair:** Thank you for your presentation today. We appreciate your coming before the committee. Over the course of our hearings, if there is additional information you would like to share with us please feel free to communicate with us in writing.

**Mr Yurick:** Thank you for the opportunity.

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#### EARTH DAY COMMITTEE—SUDBURY

**The Chair:** Next I would like to call the Earth Day Committee—Sudbury. I ask that you come forward and begin your presentation by introducing yourself. You have 20 minutes in total for your presentation. We ask if you leave a few minutes at the end for questions from committee members. Welcome, and would you begin your presentation now, please.

**Ms Audette:** My name is Céline Audette. Unfortunately Sheldon Lowe was called for jury duty today, so I had to step in at the last minute. You will excuse me if my presentation is off the cuff, but he did give me one thing to present.

First of all, I would like to tell you a little about the Earth Day Committee and what we are doing in Sudbury this year. The mission of the Earth Day Committee and our slogan is "Think Globally, Act Locally." This is the message we present to the community, to schools, to children, everywhere in Sudbury, and it is also a provincial network, a national network and an international network. With this slogan I think we can deal with a lot of our problems.

The Earth Day Committee—Sudbury is developing an education program for the schools this year. When we go into the schools and deal with the waste management issue, our slogan is "Recycling is Better than Disposal, Reuse is Better than Recycling, But Reduction is the Best of All." I think these issues need to be emphasized in Bill 143.

I think that with Bill 143 the Earth Day Committee does not support export of waste to another community, because this does not promote these three issues with waste management. We do not promote incineration either because it is a waste of energy, and again it does not promote the reduction, recycling and reuse. It is a short-term solution for a long-term problem and the problem is waste management.

One thing Sheldon did want me to read was this story he wrote. Sheldon Lowe is a teacher of grade 6. He practises what he preaches, and so does the committee. I think this story will enforce what I have just presented. He begins like this:

"I like words like 'recycled.' To me it means that once something has outlived its designed purpose, it still has potential. I like that. The item does not become garbage; it becomes the raw material for something new. Pop cans are a great example. Designed to be used once, they are garbage

unless they become part of a recycling program. I am happy that so many people have decided to participate in our recycling program here in Sudbury, but I think we have done it all backwards. We have become good recyclers. What we have not done well are the other 2Rs: reduce and reuse.

"Thinking it over, I see the 2Rs as far more important than recycling. Reusing something means we do not have to make another. We do not have to recycle it and it saves us the expense of making another. Reusing does not always mean that the article must be used for the same purpose. For example, putting tomato juice in a washed-out orange juice bottle is a good idea. I have a student who keeps his coloured pencils in an old telephone carton. Cigar boxes, the old classics, have been reused for years; the littlest angel used one for his earthly treasures. But reusing has its drawbacks and certainly dramatic limitations. There are only so many reuses for a pizza box.

"Reduce' is the word that I like best. Simply, it means that if you do not really—with 'really' underlined—need something, do not get it, the little stuff as well as the large. Make decisions not based on convenience, prestige or desire but on the basis of a genuine concern for the quality and sustainability of our lives and the lives of the people who are part of our futures. If it is never to be purchased, it never has to be produced.

"Recycling is easy. Get the province and OMMRI to create and fund a program, have professionals and consultants run it and we will be happy to toss bottles and cans into a convenient blue box. It gets lots of publicity and makes us all think that we are doing our part. But we are not really doing much until we design ways to reuse the things we have, retry old methods and retain things rather than replace them. Then when we are all good at that, perhaps we can reduce our consumption. When we change our lifestyle so that we reduce what we must have, then the words 'reuse' and 'recycle' will become virtually redundant. Reduce, reuse, then recycle, in that order."

As an educator I will be an environmental education consultant in the schools. What we will be doing is to present basically what the problems of our environment are in our society today, this year, but also to give the children a solution. What can you do in your home, in your classroom, in your yard, to improve your environment? We have to remember that it is everybody's environment. The greater Toronto area finding a landfill site affects us as much as it affects it.

I was living in Toronto for a couple of years and I worked with the Save the Rouge Valley System. That area was destined for the landfill site. Of course we opposed it because the recycling program was not in effect and there was no public education about reduce and reuse. I think these elements should be emphasized as well in Bill 143.

**Ms Haeck:** I appreciate your comments and Mr Lowe's written commentary. We have heard over the last several weeks presentations for and against the bill, quite obviously, but also for and against regulation. I would be interested in knowing your reaction to a system that has been brought into Germany called the green dot system, relating to packaging. What it will mean is that as a result

of the green dot being placed on a package, it then has to be returned to the manufacturer and the manufacturer has to basically deal with the packaging.

I am not sure if you have heard of this system and if in fact you would promote something like that to be implemented here in Ontario, but it does raise the issue of regulation. It raises the issue: Should we bring about deadlines, timetables, whereby a serious limitation on packaging should in fact be put into place? Any reaction?

**Ms Audette:** Yes. I think a program where you have an impact on the packaging of our products would be very positive, but I think we need to explore whether or not the product needs to be packaged. First of all, reduce the packaging. If it cannot be reduced, then again put the other principles in line. If the manufacturers are responsible for the packaging and there is some economic gain in not packaging it, then that would be something that should be looked at, regulated and implemented and enforced as well.

**The Chair:** Thank you very much. We appreciate your appearing before the committee today. If there is additional information that you would like to share with us, please feel free to communicate with us in writing.

#### PEOPLE ACTING FOR A CLEAN ENVIRONMENT

**The Chair:** I call our next presenter, People Acting for a Clean Environment. Please come forward and introduce yourself for the committee members. You have 20 minutes for your presentation. We ask you to leave a few minutes for questions from committee members. Welcome, and please begin now.

**Ms Jeramaz:** Good afternoon. My name is Heather Jeramaz. I am here today on behalf of People Acting for a Clean Environment.

People Acting for a Clean Environment is a small group of Sudbury citizens who are committed to promoting a conservator society. We have made efforts to learn more about waste management as a group and to share this knowledge with others in Sudbury.

People Acting for a Clean Environment applaud Ruth Grier and the Ontario NDP government for proposing legislation that moves us toward a conservator society, thus ensuring a cleaner and healthier environment for future generations.

Our environmental group strongly opposes the exporting of greater Toronto area garbage to other communities regardless of their willingness to accept it. We feel that all municipalities must accept responsibility for the waste they generate. The transportation of GTA garbage to other communities, even in the interim, does nothing to promote waste management through waste reduction. The 3Rs do not include the redistribution of garbage within the province.

Government, industry, business and consumers must all work together to help reduce waste. Our environmental group believes that transporting GTA garbage to other communities would have a number of other harmful effects. One example would be the generation of additional air pollution through the transportation of this garbage. Other costs would come from the maintenance of vehicles, roads and railways. This promotes the squandering of non-renewable resources, such as fossil fuels used in transportation.



1400

Moving Toronto's garbage here would further burden the north's own garbage disposal problems. This is something we all have to begin to deal with in Sudbury as well. We are concerned about the contamination of our groundwater and its associated health risks.

Sending garbage north would pose a threat to northern Ontario's ever-growing tourist industry. Northerners do not want to become known as Toronto's garbage dump. We rely on tourist dollars to help maintain a healthy and diverse economy in northern Ontario.

Accepting southern garbage might provide for a short-term solution to economic problems in some northern communities. What is required, however, are well-thought-out and long-range economic solutions, which we have already heard about this afternoon. We have heard about this for years, really, but we have not said, "Yes, we have to do it now," until all of a sudden this crisis surfaced. For example, we feel Kirkland Lake does have economic problems which definitely need to be addressed, but in our opinion handling the GTA garbage is not the answer to its problem.

Transporting garbage may set a precedent for other communities whose landfill sites become exhausted. We wonder what other cities would like to send their waste to the north. The easy solution, the easy way out of this crisis, is to send GTA garbage north. Once it is sent elsewhere in the north, whether it is Kirkland Lake or other places the crisis, from Toronto's point of view, is eliminated. Torontonians therefore would no longer have to face their conspicuous consumption. Only by having to keep their garbage in their own region will the people of Toronto be forced to search out real solutions and perhaps be leaders for the rest of us who are soon going to be facing our own crisis on a similar front.

Let me give an example of what I mean. Members of our group have noticed that over the past two years, since we have begun to seriously apply the 3Rs in our own lives, we have gone from about two bags of garbage per family per week to a situation where we each produce only one bag of garbage every three weeks. This is because we are now composting. We use the blue box and we could add more to the blue box if there were more elements involved in Sudbury. We also carefully consider the packaging that we bring home when we go shopping.

With stronger government direction, like that now being offered by the minister, and with support from industry, we can see many ways of reducing our garbage output even further, striving for virtually none at all, which would be an ideal goal. I think we would all like to live in a world like that.

Part IV of Bill 143 calls for the amendment of the Environmental Protection Act in order to accelerate adoption of the 3Rs, not only in the GTA but in the province as a whole. People Acting for a Clean Environment feel this is one of the cornerstones of a new conservator society.

In an attempt to understand the attitude of Sudburians towards the waste reduction action plan, a member of our group carried out a small survey and found that a large majority of her contacts support the following:

1. Most people would like to see strong regulatory measures which would reduce the flow of valuable resources that are presently being disposed of.

2. They would like to see necessary financial and technical systems developed to direct materials from disposal to productive use and reuse.

3. Healthy markets must be created for materials recovered through the 3Rs program.

4. They would like to see more public 3Rs education programs established in Canada.

5. They would like to see exporting and incineration of the greater Toronto area garbage prohibited.

I do not think any of us believes that this is easy, but if we do not consider this way of dealing with our garbage, I think we are looking at serious problems down the road.

On behalf of the Sudbury group People Acting for a Clean Environment, I would like to thank the standing committee on social development for allowing us the opportunity to express our views on Bill 143.

**Mr Wiseman:** I have a question about packaging. Various councils and business groups have come before us and said, "Don't go further than the national protocol; don't do this and don't do that; business will leave," and so on. Have you any suggestions as to what we could do with the packaging of items and how we can overcome that kind of attitude?

**Ms Jeramaz:** I see the problems that we are facing today on this issue, packaging being one of them, as something that requires a lot of people to come together and spend a lot of time working at it.

What I am afraid of when we are looking at this particular problem is that when we come up with our solution of sending our garbage somewhere else, human nature is such that we think the crisis will go away, and then we will not come up with alternatives to packaging.

The incentives are already there. People are very concerned about this. Every time you have relatives in your family who get sick, you wonder if they are getting sick because of the water they are drinking. That is happening in Toronto. We have relatives in Pickering who have been sick. That happens in Sudbury.

I think coming up with another committee to deal with packaging—I do not think people need incentives any more. I do not want to buy 10 combs in a bubble package. I have written to the company saying, "Please, I don't need to buy my combs like this," and sent the packages back.

It has to be legislated, and perhaps if you were to get a committee where you had business, business might be thrilled to do that as well. They may have been forced, through some health regulations that used to make sense and perhaps do not now, to come up with these packages, and perhaps if you were to work with business and a committee of people on this, it would be a very easy thing to get rid of. After all, it is not that many years that we have had packaging for things like that, so I think it is not that big a problem. It is just that, for some reason, we have not got rid of it.

**Mr Martin:** You say in your presentation that you represent a small group of environmentally conscious people.

How many do you represent, and in your conversations perhaps with the wider community, how widely held do you think are the sentiments you express in your presentation?

**Ms Jeramaz:** It varies. We have about 10 to 15 active members and we have about 25 to 50 supporting members. We have been quite active in the community speaking to different schools, from elementary schools where we have gone in and spoken to the children about what they can do in their lives on issues like packaging for lunches, all the way up to Laurentian University, which has asked us to come and speak to the students about what they can do in their lives, to church groups.

**Mr Martin:** What are you hearing from those groups when you present your perspective?

**Ms Jeramaz:** Of course we are invited there by the teachers, and the teachers would like to have more information to give their children, to educate them. After all, that is what the education process is about and that is one reason they call us in. We do it in a way that is pleasing for the kids, so they leave with a few ideas.

The university people, I think, feel they have no control over the whole process. I think that is a feeling we all have. Probably all of us in this room today think: "What can we do? Our back is against the wall. What are the answers?" That is what we come across, and also dedication and a lot of keenness in wanting to make some changes.

**Mr McClelland:** I just want to indicate that your suggestion about working with business and having people involved has been heard before. Indeed many organizations and associations that represent businesses have come before this committee and said, "We really want to be a part of this, we want to participate and we want to be listened to and heard in a very real way." That has been the request, in fact the plea, of many associations, to ask the government of the day to sit down, to really listen, to work with them and to give them not just the rhetoric that they belong, but some hands-on evidence of the fact that, "We want you here in Ontario to work cooperatively with us and to be part of the solutions." So I thank you for making that suggestion and I want to tell you that many businesses and associations have said the very same thing.

1410

**Ms Jeramaz:** Yes. I think sometimes when we get into this situation, we think perhaps business is on one side and certain groups—it is like a we-they situation. Unfortunately, it does not boil down to that, because we are all in this together, so the more we can work together the better.

**Mr McClelland:** I think you have said it, and that has been the plea of business: "It is not we and they. Please be real, be open and talk to us." It does not have to be adversarial. That has been the request of business.

**Ms Haeck:** I want to follow up on Mr McClelland's comment. We have heard from a variety of businesses, some of whom are in recycling and obviously would like to continue. We also have a number of groups that have indicated they have participated in the national packaging protocol, and while they have reduced some of their costs,

they also feel the whole process should be voluntary, with no hint as to whether the various industries involved are necessarily meeting all the guidelines and cooperating as fully as they might. If you came across a situation where a business or an industry was not really cooperating, was not taking the bull by the horns and making good use of the packaging protocol that exists, would you believe regulation should take place?

**Ms Jeramaz:** You are asking me a question about how you should do your job, I guess.

**Ms Haeck:** Actually you would be helping us. That is part of the whole process of being here.

**Ms Jeramaz:** I guess I feel I am here to say what kind of world I want to live in and then turn it over to you. It is not that easy, I know. Does that answer things?

**Ms Haeck:** We concur. It is not always easy by any means.

**Mr Martin:** Certainly some of the comments you have made here today will cause some folks in the Kirkland Lake area to be concerned, because they see the Adams mine proposal as something that will be good for them economically. In light of your concerns and what you have presented to us here today, what would you say to those folks?

**Ms Jeramaz:** I was up in Kirkland Lake a number of years ago and my memory of it is that it is a place where life is a lot slower and more pleasant. I know while that comes with some economic problems, there are a lot of people in Toronto who would love to be able to count on the water they drink and be able to live in an area like Kirkland Lake.

I think when you have economic problems, you want to deal with them. If I were in Kirkland Lake's shoes, I would want to solve my economic problems and still have a nice place to live. They produce garbage up there. This is not something that is just unique to Toronto. I think what all of us want to look at is that we are producing way too much. It just happens that the problem originates in Toronto because there are so many people there. So it lands on Toronto's shoulders to deal with that end of it. For Kirkland Lake to say, "This will solve our problems," is not—maybe they should go down to the Pickering dumps and see what it is like down there. They might want to do some brainstorming to come up with some better solutions to their problems.

**The Chair:** Thank you for appearing before the committee today. We appreciate your presentation.

#### SUDBURY CITIZENS MOVEMENT

**The Chair:** The next deputation is the Sudbury Citizens Movement. Please come forward. You have 20 minutes for your presentation. We ask you to begin by introducing yourself, and leave a few minutes for questions from committee members. Would you begin your presentation now, please.

**Mr Asher:** My name is Spider Alan Asher and I am here representing a loose group of local citizens which calls itself the Sudbury Citizens Movement. We have been registered as a non-profit organization for about 10 years



now. The basis of the organization is that everybody really has a right to his own opinion, and we do not try to challenge each other on our opinions so much as we do on the process we use for expressing them. That is really what I want to talk about.

This forum is really quite a circus. I have seen about two thirds of it today. On the whole, my biggest complaint about everything and how this whole thing got going is that this type of process is not democratic, as much as people love to throw that word around. If it were truly democratic, we would have started this process on these issues a hell of a long time ago, before anybody tried to pass an act. I think that was a major mistake on the governing party's part. I am also very disturbed at the partisan nature of all this. Quite often it has seemed to me today that the people who are here who are supposed to be officially representing democracy are the very ones holding the democratic process up.

As far as garbage goes, I applaud the NDP for its recognition at least that this is a crisis. We are in a crisis, and it demands action on those grounds. All the elders in my community never tire of telling me when we talk about this subject how during the war everything was recycled, everybody did his bit. No one talked about democracy, because that was a crisis. What we face is a crisis, and what we see is a government acting like we are in a crisis. Unfortunately this is normal.

Our garbage problems represent the tip of the landfill, to coin a phrase. For the last 100 years we have been extremely irresponsible with the most beautiful thing that has ever been granted to a people who did not deserve it, and we must take this into account as we deliberate these things. We have squandered other people's resources. It is pitiful what we have done. Now we think we are just going to walk away from it, everybody friends, hand in hand, that no one is going to be mad and upset when things start to change?

We will never get reduction of toxic waste without business getting angry, because business has to change. Stop telling the consumer to change and force business to behave like human beings. Why does a piece of paper have more rights than I do? That is all that business is, a piece of paper. This is not democracy.

I am disturbed by the history of this act. There is no bottom line. Where is the bottom line? If you are going to go this far, go all the way; in for a lamb, in for a sheep. Go all the way. Then we can start talking; then we have something to really debate about. You do not go into a bargaining situation asking for this and hoping someone will give you a break. Nobody haggles that way. I mean, for God's sake, you are all related to business people. You know how you do it; you ask for far more than you know you are going to get and you start working your way down. Let's start acting like this is real life.

1420

I have been in the environment movement in some form or another for the last 10 years. One of my observations about the entire thing is this obsession of everybody who suddenly turned green, including the environment movement, that the earth is somehow dying, that we must

save the earth. This is just another reflection of our incredible denial of what is really going on here. It is human beings and the other higher life forms on this planet that are in danger. There was a time in the history of this planet when volcanoes were spewing pure chlorine into the upper atmosphere, and yet still we wind up with rain forests and manatees. It is not the earth that is in danger here, it is us, and it is our actions that are endangering ourselves.

We are in the process of committing mass suicide, and everybody is bickering about little partisan things and trying to score political points here. It is very disturbing to me. We have the opportunity here to set major precedents, to change the very way we do business, because it is the way we do business, and always have since before the Romans, for God's sake, that has got us into this mess. It is going to take just as much energy to get us out, and we have one tenth of the time. That is really all I have to say.

**The Chair:** Thank you very much for appearing before us.

**Mr Asher:** If I might, one thing about the act that has not been mentioned yet is the fact that while the government is willing to grant compensation to a municipality which is being forced to have land given over to a landfill, there is no talk about compensation to people should they discover they have made a mistake and that someone's groundwater is damaged. I think that needs to be a part of all this before they can really do anything with the bill. Other than that, I applaud at least what they are trying to do.

**Mrs Marland:** Mr Asher, you made some interesting observations. I am sure you are happy to have the opportunity to be here today. Am I right?

**Mr Asher:** I very much appreciate it, yes.

**Mrs Marland:** When you refer to the partisan nature of the hearings, you would not have had that opportunity of being here today if it had not been for the fact that the two opposition parties fought for two months to get the government to finally concede that it would allow the public to make comments and have input on this legislation.

**Mr Asher:** I am aware of that.

**Mrs Marland:** If we had fallen down dead and let the government have its way, then we would not have had this full participation in this public process.

**Mr Asher:** It would not be the first time something was foisted on everybody by a government.

**Mrs Marland:** Absolutely not; it would not have been.

**Mr Asher:** I do not think anyone is in a position to talk about that around the table here.

**Mrs Marland:** But the thing is, and I am not defending what has been done in the past, I am simply saying, does that make it right if it was done in the past? As far as I am concerned, it does not. I do not defend any government that ignores the opportunity for the public to have input into new legislation.

What I really wanted to say was do not be concerned about the partisan nature, because that is something that as

big boys and girls we are perfectly capable of handling, and it is part of the environment in which we work.

When you talk about this being a crisis, and you are very concerned about that because you have been involved, as you said, for the last 10 years in one way or another in the environmental movement, for which I applaud you. I am just wondering how you feel about a bill that from this point forward, once it is proclaimed, will prohibit and eliminate that opportunity you have had under the existing Environmental Protection Act and the existing Environmental Assessment Act where you can have full participation by the public in an environmental issue. This bill now will preclude that opportunity. I wonder if you think it is regressive to cut off all the involvement you might have had in the last 10 years.

**Mr Asher:** In my experience in the last 10 years, I see absolutely nothing to make me believe the very same methods for cutting off the true democratic process are not going to be applied again as they have been in the past, over and over again. No, I am not baited.

**Mr Martin:** Actually if the opposition had fallen down dead, and in light of this democratically elected government's intention to deal with the crisis we have at hand and to get on with the management of waste in this province, this would have been legislation by now.

You spoke of this legislation being good in front of the crisis that we have, and one piece of that legislation is certainly directed in that way. The other piece of the legislation is to try to put some context around the development of the waste management process as we move now into the next century. Do you think it is a good context and that we are heading in the right direction, or do you have some problems with that?

**Mr Asher:** First of all, I did not say I liked the act; I said I liked the intentions of the NDP. Second, no, because there is no bottom line. What we are looking at is another Band-Aid in the long run. There are so many other issues that must be coordinated with this.

Everybody talks about thinking ecologically and yet I see very little sign of it. There are many things which must be coordinated in with this that will affect many other departments of the government simultaneously. The very structure of the institutions which we are dealing with, whether we are talking about government, business or other institutions, are the very things that are going to really slow us down because they are not built for people any more. They really are not. We have lost control of our tools, and until we can regain control of those tools, social as well as physical, we will never truly have an environmentally sound society. That must be recognized as the bottom line, the line in the compost.

**Mr Sola:** Mr Asher, I would like to ask a question. You were a little disappointed or cynical about the political nature of this forum, so I want to pose this question to you. What is more essential for you as far as selection criteria are concerned, political boundaries or environmental safety standards?

**Mr Asher:** There is no such thing as safety standards; there are danger standards. "Political boundaries" is using

two words that mean the same thing. I am having a hard time understanding what you are getting at.

**Mr Sola:** Bill 143 forbids the transportation of waste from one political region to another political region. According to Mr Jeffery, who used to be the chairman of the Environmental Assessment Board, the selection process that the minister has devised through Bill 143 may exclude the only environmentally safe site. I am wondering if you are in agreement with some of the thrusts of the bill and whether you could comment on that aspect of the bill.

**Mr Asher:** I like the bill for its recognition of the elimination of incineration and the trucking of waste. If you are referring to the Adams mine as a potentially safe site, then your question makes no sense to me whatsoever.

1430

**Mr Wiseman:** I would like to pursue this notion of danger standards, because as I have become aware over the years, there is not a company in North America that will guarantee that the bentonite liners that go under a landfill site will not crack and break. There is not a company in North America that will guarantee that clay liners will not leak. In fact, the one landfill site that I am aware of in Alabama that was built on clay was not supposed to leak for 22,000 years, because it was supposed to be impermeable, and it leaked in four.

When you talk about danger standards, I think that is a rather interesting way to approach it. In the context of that and in contradiction to what Mrs Marland was saying, the Interim Waste Authority has created a set of criteria called the Interim Waste Authority draft document, which attempts to set out the criteria under which you would site a landfill site.

You can look it from the point of view that you are saying, which is an attempt to minimize the danger standards, or you can say it is an attempt to make it the most positive site around, but this is the first time somebody has attempted to establish what the criteria should be before doing a landfill search. This forms part of Bill 143 and forms part of the documentation that will be used to evaluate potential long-term sites.

I just wanted to bring that to your attention, because I have been involved with the landfill battles in Pickering for some considerable amount of time, and it is a major issue. For example, Brock North leaches into a holding system enough leachate to fill a tanker truck every day, and it is taken down to a sewage treatment plant. The Brock West landfill site has slipped into Duffin Creek and has leached into Duffin Creek on more than one occasion, so I am very aware of it. I would like your comments around where you would strengthen the bill in order to get to the bottom line, as you say, in the context of what I have just described.

**Mr Asher:** The only thing that comes to mind is simply a set of guidelines and the setting up of a department or some sort of agency which would help to monitor the development of waste management systems within a community that required it, which, of course, is, will be or must be every community.



I do not know if you can legislate people's behaviour. Every community has its own requirements. Every community must be allowed to at least go through the motions of making its own decisions. I really believe in the maxim "Small is beautiful," and I also believe in the maxim "What goes around comes around."

Every time we try to create a system to control something, something goes out of control. That is just the way things work. Democracy only works on a small scale. The true power in any country is how the people in any community get along, the true power in any area.

If we were being serious about how we wanted to control pollution, we would consider very strongly and find ways of adopting a watershed community system wherein the water within any watershed area determined that area's political boundaries. That is a personal note.

**The Chair:** Thank you very much. We appreciate your coming before the committee today.

#### REGIONAL MUNICIPALITY OF SUDBURY

**The Chair:** I would like to call next the regional municipality of Sudbury presenter. Please come forward. You have 20 minutes for your presentation. Please begin by introducing yourself. I would ask that you leave some time for questions.

**Mr Caverson:** Thank you, Madam Chair. My name is Dave Caverson. I am the environmental engineer for the regional municipality of Sudbury. There has been a position paper passed around, and I am going to base my presentation on that particular position paper.

The regional municipality of Sudbury has reviewed the proposed amendments to the Environmental Protection Act as outlined in part IV of Bill 143. Based on this review, the region has identified two particular areas of concern.

The first deals with proposed amendments to section 29. In that section, the director, under subsection 29(1), will be permitted to require municipalities to establish, maintain, operate, improve, extend, alter, repair etc waste management systems or waste disposal sites.

In addition, under subsection 29(2), the director may require a municipality to deal with waste from outside its boundaries, as well as to prepare and implement plans which address the municipality's waste management needs. There is no mention in the proposed amendments to section 29 of how the province proposes to assist municipalities financially in order that they may meet the requirements established by the director.

Our second concern deals with section 136, in particular subsection (4). In that subsection, amendments are proposed to clause (d) and clauses (j) through (t) are added, resulting in the province having the power to require municipalities to establish, operate, improve or close waste management systems or waste disposal sites, prepare waste management plans, seek approval for waste management plans as required, regulate the waste management activities of municipalities etc. There is no mention in the proposed amendments or additions to section 136 of whether the province proposes to assist municipalities financially in order that they may meet the requirements established by the province.

As a result of these two concerns, it is the position of the regional municipality of Sudbury that the Environmental Protection Act be amended through Bill 143 by the adoption of two recommendations that we have highlighted in our position paper.

**Recommendation 1:** That in order to ensure that the province only require municipalities to adopt cost-effective solutions to waste management problems, section 29, section 136 and all other appropriate sections be clearly amended to commit the province to fund at least 50% of all costs associated with the requirements placed on municipalities by the province under the terms of the Environmental Protection Act; and further, that such funding take the form of grants, not loans.

**Recommendation 2:** That the Ministry of the Environment should release its initiatives paper on the financing of waste management systems and sites before proceeding further with Bill 143. This will allow municipalities the time necessary to evaluate the financial impact of the proposed changes before they are introduced and implemented.

Thank you, Madam Chair.

**The Chair:** You have made some very specific requests, and if it is all right with committee members, perhaps we could have the parliamentary assistant clarify before members ask questions. Mr O'Connor.

**Mr O'Connor:** Thank you. One of the things you raised was Initiatives Paper No 2, dealing with waste management for the province, which will be coming out later in the year from the Ministry of the Environment through the waste reduction office; also, through the Ministry of Municipal Affairs, municipal powers as they reflect on waste management. Both of them are going through the process now of getting all set up and running, and they should be coming out, hopefully, this spring as well. I think those are two that you talked about in your brief.

**Mr Cousens:** I appreciate the presentation from the regional municipality of Sudbury. You brought a different perspective than we have had from previous regions. Have you done any kind of cost analysis of the bill? Your emphasis is very much looking for the cost-benefit analysis that the government would have done. We have asked for that, by the way, and have not received it yet, but have you in the region done any thinking through of it? If you have, what are some of your findings?

1440

**Mr Caverson:** No, we have not had the opportunity at this time to do the cost analysis. We have identified specific concerns to this region. Those concerns are highlighted in the position paper. As I indicated, we have not had the opportunity to do the cost analysis at this time.

**Mr Cousens:** To follow through on that, it was my view that certainly this could have been a source of revenue for municipalities, so that it would not have been the thinking of the government that there would even be grants or a 50% apportionment to municipalities. Could the parliamentary assistant comment on that?

**Mr O'Connor:** Not really. Maybe Drew Blackwell from the waste reduction office could enlighten the committee.

**Mr Blackwell:** As I understand the question, it refers to the nature of the financing of municipal waste management systems as contemplated in the future.

**Mr Cousens:** I was specifically asking from the ministry the view that this was not going to cost the government any money. Certainly the municipalities would be raising enough money through different ways in parts I, II and III of the bill that it would not be necessary for the government to be paying out anything.

**Mr Blackwell:** I believe the issue would not be so much through parts I, II and III of the bill, but through the two basic principles that were enunciated in the waste reduction action plan: full-cost accounting and product stewardship.

When we speak of full-cost accounting, we are talking about the systems that would be implemented by operators of disposal sites to make sure the full cost of those sites, including all planning for future operation, is covered, together with the covering of other basic costs, such as composting and public education costs.

Product stewardship refers to the systems by which the generators and producers of waste materials contribute to the financing of the system. There are a number of options available for getting those there. One of them that is in place right now is the voluntary contribution of some sectors through OMMRI. When the parliamentary assistant referred to the initiatives paper on financial implications, he was referring to an intended paper coming up that would put these two systems together and work out different models for widespread discussion of how the financing is to take place. That will be a public consultation of very considerable length taking place later this year.

**Mr McClelland:** The previous deputant indicated some grave concerns about the operation of democracy and so on and whether it really had any efficacy in the final analysis. One of the concerns expressed by regional and municipal politicians we have heard from over the past couple of weeks has been a sense that: "At the end of the day we're the ones who have to raise the taxes to finance waste management operations. We may be directed to manage them, yet we're really not being part of arriving at developing a solution."

As you suggested, it is the cart before the horse inasmuch as Bill 143 will set out a regulatory framework and scheme that will allow certain decisions to be dictated by the minister or through the IWA without direct municipal involvement save and except for the fact that the requirement would be to manage and operate in finance. I wonder if you might want to expand on that.

The concern of a number of people has been that, after all, it seems that the municipal politicians are the ones closest to the people. They live in the community. They are the ones who will be prevailed upon by ratepayers, citizens' groups and organizations when and if problems occur. Surely, therefore, they ought to be involved more substantially in arriving at the solution or solutions that will be forthcoming. You may choose to expand on that if you so desire.

**Mr Caverson:** I cannot comment as a municipal politician, as I am not one. However, from a staff position I can tell you that our concerns are that the province will be establishing standards or requirements that municipalities must meet. It will be up to the municipalities, as I understand it, to raise the funds to do the necessary work and meet the necessary requirements. If the province is prepared to establish certain requirements that municipalities must meet with respect to waste management, it should also be prepared to share in the costs.

That goes back to recommendation 1, where I indicated, "That in order to ensure that the province only require municipalities to adopt cost-effective solutions...." The reason for that statement is that if both parties, municipalities and the province, have to share in the costs associated with waste management activities, then both parties, in addition to searching for the best solution from an environmental perspective, will also be searching for the most cost-effective one, not just any solution whatsoever.

**Mr Martin:** You bring some interesting observations, ones that are based on fact. Anybody who comes from the north knows that most communities up here are struggling with the question of managing their waste and the cost of doing that and the cost of making sure they do it right. This legislation, certainly from my reading of it, is simply a context within which we will do that. There are initiatives papers already out there, and there will be more, that will involve the communities and the public in discussions around just such questions.

I am aware that some communities, though, are running dumps, landfill sites, at a cost that is way below the actual cost of disposing of that waste when you consider all of costs involved. Might you share with us what is happening in Sudbury? Are you charging a cost in Sudbury that actually covers your costs of disposal at this time?

**Mr Caverson:** Our current tipping fees are \$40 a tonne. Relative to other municipalities in the province, that is lower than many. At this time that fee covers the costs of the programs we have in place. In order to expand the program, the base over which that fee is applied may have to be expanded or the tipping fee itself increased.

**Mr Martin:** Do you see any possibility there of relief in front of some of that which will be asked of you in light of this legislation? Is there room to move there?

**Mr Caverson:** I am not sure I understand the question.

**Mr Martin:** Obviously the tipping fee you are charging at the moment is among the lowest in the province, you say, and perhaps covers the realm of activity that you have going at the moment. Do you see an ability to increase that fee to cover some of the costs of doing the job more effectively?

**Mr Caverson:** Whether the fee is increased is not something I can comment on. That is a decision for regional council. Certainly as costs of waste management activities go up it will be necessary to consider an increase in the tipping fee. Ways of financing waste management activities are going to have to be examined.



**Mrs Marland:** I just wonder, Mr Caverson, if you are aware of how fortunate you are in one way, being up here in Sudbury, because in the greater Toronto area, of which the region of Peel is a part, we have the thrill of having the Interim Waste Authority, which has been given \$17 million by this government to get it up and running. The Interim Waste Authority, with its \$17 million of taxpayers' money, then goes and tells the regions in the greater Toronto what to do, how to do it, which consultants to employ to make the tests and the evaluations as to where those new landfill sites will go and then turns around and gives the bill to the municipality.

In the region of Peel, where we had already spent \$8.5 million and had our own site selection in place up to an environmental assessment hearing, we as taxpayers are being asked to pay all over again. Although the government looks like the great white knight because it has established this Interim Waste Authority, it in fact is doing nothing except shipping out the orders and making each municipality pay, even though it has already got money from those municipalities through the taxpayers who have given the \$17 million. I did not know whether you knew that that was going on down there.

**Mr Caverson:** I specifically did not comment on anything to do with the Interim Waste Authority. It does not concern this municipality and I avoided that.

**Mrs Marland:** That is right. Thank you.

**The Chair:** Thank you. There are a couple of minutes remaining. I have a request from Mrs Mathysen, if she can keep it very short.

1450

**Mrs Mathysen:** I would like to thank Mr Caverson. I was particularly interested by recommendation 1, wherein he asks that various sections of the act be "amended to commit the province to fund at least 50% of all costs associated with the requirements placed on municipalities." That actually leads me to ask a question of Mr Drew Blackwell, and that is, what is the existing funding—I need some clarification on that—and what will happen in future in relation to that funding?

**The Chair:** The committee rules require that you ask the parliamentary assistant. He will then direct it to Mr Blackwell.

**Mrs Mathysen:** Mr O'Connor, I have overlooked you and I am sadly in error.

**Mr O'Connor:** Out of sight, out of mind. Of course you pointed to the person to whom I would be directing the question, because he has been involved in taking a look at some of the things around the funding issue and how it deals with municipalities. Mr Blackwell.

**Mr Blackwell:** Regulations in Initiatives Paper No 1, which follow through the enabling legislation contemplated in part IV of Bill 143, include requirements for leaf and yard composting and for blue box programs in municipalities where they do not exist. At the present time, the funding for those programs from outside municipal source exceeds what is requested in recommendation 1. On other programs, it is the same, for example, waste management

master planning, and in some others as well it exceeds voluntary programs such as home composting where in fact the province provides two thirds of the funding at this point.

I think the issue, though, is rather more one of what is the transition into a long-term system in which it becomes possible to assure that we have a sustainable waste management system that drives towards waste reduction and that is not carried by the property tax or the general tax base. That is where the comments I made earlier about the relationship between the full-cost accounting and using tipping fees, combined with product stewardship charges, leads us into a sustainable system for the future. In the interim, I believe we are following through with something very similar to what is recommended here.

**The Chair:** Thank you very much, Mr Blackwell. Thank you for appearing this morning, Mr Caverson. We appreciate your taking the time to come forward.

LINDA LINES

**The Chair:** I would like to call Linda Lines. Please have a seat and introduce yourself. You have 20 minutes for your presentation. We ask if you would leave a few minutes at the end for questions.

**Ms Lines:** My name is Linda Lines and I have lived in Sudbury now for two years. I am not from southern Ontario. Actually, I am originally from Quebec. I presently have a small company. It is called 3R Plus. The Rs can go on and on and on, I guess. At the moment I am working as a consultant for the Ministry of Housing, or actually the local housing authorities in Sudbury, Sault Ste Marie and North Bay to help them set up some waste reduction in public housing. Public housing is low-income, high-density housing. A lot of my comments are based on dealing with a group of people and waste reduction.

The goal of my company, besides just this short-term contract, the type of work I will take on has to be true to my values and also not damaging to the environment. I guess it means what I do is promote environmental awareness and positive action. I once joked that I may be poor but I will be satisfied, because I have had a chance to share my ideas and pull in other people's ideas and take some action.

**The Chair:** I am sorry to interrupt, but along those lines, somebody suggested to me that it is not that you are poor; it is just that you do not have any money.

**Ms Lines:** Right. I only started this business in July 1991. I think what I have discovered, with all the talking and idea-sharing I have done, is that our society has to change. Perhaps becoming a conservator society, not a consumer society, sums that all up.

I think we have to really look at jobs and we have to look at moral and environmental values in the workplace. I do not know if we are doing that yet. I think that is what provides satisfaction. For this I want to applaud Bill 143 and the management of the greater Toronto area waste at its source in Toronto. I personally could not imagine much job satisfaction in being in charge of dumping garbage in a mine in Kirkland Lake. I have problems with that. I think

our jobs have to shift to being responsible environmentally and to think about some of our values, about what we really want to do with our lives.

I think it is time that northern Ontario got creative about job creation. Maybe it could be dealing with recycling issues. I was just reading about this one idea. What about a tire retreading business? We do not need retreaded tires, but maybe legislation could come out that we cannot buy tires unless they are retreaded. That is a potential business. I am sure there are many more types of businesses we could create in the north without having to take someone else's garbage. I also think that if we leave the waste in the greater Toronto area, maybe we are giving some people down there some satisfaction in having control of an environmental issue. Yes, I as a person in Toronto could take responsibility for the garbage I am producing and really lessen it.

When I first started with public housing, especially for seniors, I found that people there want to take action in their lives. They want to be able to do something, but so many people do not know things about it. They say, "I can do that" or "There's a better decision," and they really do not know that. I encourage that with this legislation, things can happen. When I hold a meeting to set up recycling I do not say, "This is how you recycle." I say, "Here's what we can do before we recycle. Here are my grocery bags," and they are up there on the desk. "This is what I could choose to buy to make a better decision for the environment."

We could go one step further and do that same kind of thing right in our stores: Let people see things. Maybe there could be legislation that packaging or consumer items have a rating or a way that people can easily know, "I'm making a decision for the environment," or, "I'm not; I don't really care." It is giving people the choice and the action that they can take themselves.

We need clearer labelling of things like "recyclable." My biggest headache in recycling programs is all these things saying "recyclable" somewhere in the world which all end up in my recycling bins. I spend more time dumping things. Another big headache is plastics, because we only take soft drink bottles here. You say "plastics." Great. How many plastics can you fit in this bin that are wrong? Things like "recycled content"; perhaps no sales tax on things that contain 80% recycled content. That is just an idea to encourage people to close that loop. If we cannot sell recycled products, what is the good of recycling?

We need to know what packaging creates the least amount of air and water pollution and its manufacturer. It is not just on the shelf; it has come from somewhere. How much energy was required to get that product on our shelves? Did it require refrigeration? We know those related CFC problems. We always have the old dilemma of the paper bag versus the plastic bag. Which is better? Probably using a cloth bag.

It is all those questions that people do not know the answers to. They do not know where to get them and need an easy, simple way to make a decision, things like bulk buying incentives. Maybe it is time we switched back to another system, a more European system that probably used to exist here: not major supermarkets but small local

stores that we can bring our own containers to so that we buy things fresh. Packaging tends to allow us to keep things fresh for six months. Maybe we do not need that service. Maybe we have to adapt our lives a little and take some action.

We can do things like having legislation that could give a preferred packaging for an item. Maybe the preferred packaging for soft drinks is a refillable bottle. Let people know, "This is our preferred packaging." I am sure industry and businesses would respond to that with consumer demand. We could include environmental costs of packaging in our costing. I mention the German system that someone mentioned earlier. Industry is getting back the packaging and has to deal with it. Yes, eventually the cost will come back to the consumer who is buying the products. However, if one product costs a lot more because the packaging costs a lot more, I am sure people will not buy it. It will work in both ways and the company will reduce the packaging.

#### 1500

We can deal with things like recycling tax credits, that is, reward businesses for purchasing recycling equipment. What about advance disposal fees? If you use a stock of virgin materials, you have to pay for them what it would cost to dispose of them or recycle them. That would give you more incentive to use reused feedstock. What about doing ban-the-can programs for soft drinks and beer and just having bottles? That is the only thing we would be allowed to have. For example, a magazine I was reading said that in Pennsylvania they are using bottles that are over 18 years old. Things can last a long time. Even a bottle bill, a bill to have five cents or whatever on all bottles, could reduce the litter considerably, and that would help to cover costs. Composting is a very big potential here in the north.

We need to shift all these things to a conserver society by giving people some action in their lives that they will be able to do to help. I think Bill 143 is really going to help and I encourage it to go as far as possible in making people aware of these things.

**Mrs Marland:** Ms Lines, I actually represent a riding in Mississauga which is a very fortunate municipality, because we do have a collection of many more items than other municipalities in the province, including all kinds of plastic. We even have a collection for used clothing to be passed on, which I think is excellent. But I realize we are unique and I realize we are fortunate.

You realize in working with your company, 3R Plus, for which I congratulate you, by the way, that there is still a residue that has to be disposed of that cannot be recycled even in sophisticated municipalities. I wonder what you, in your support of Bill 143, suggest be done with the residue of any material that is contained in garbage that cannot be recycled, reused or reduced.

**Ms Lines:** I guess my visionary view would say that it is only short-term and that soon we will not have any garbage if we all think in the right way and had the right types of stores and consumer products. I think in those terms and I guess as a temporary solution maybe landfill



has to happen, but I think we have to really re-evaluate packaging and what is being produced. Do we need all these things that are out there?

**Mrs Marland:** You said your "visionary view." It is true that no matter what high percentage of recycling we are able to do, if you look at countries where there are very good examples of a high percentage of recycling there is still that residue left.

**Ms Lines:** I would like to advocate before recycling. I think countries that are recycling, great, but let's deal with the issue in the supermarket, let's deal with it in our stores. I think that is where I am heading: the packaging issues, the issues in our stores and not the recycling issue. In fact, maybe recycling is not worth it in some cases. We have to look at that. But let's get things that do not have to be recycled. I think that is what my ideal is.

**Mr Ramsay:** I really enjoyed your presentation because it was positive and full of great ideas. I think your presentation really highlights the point that if all of us could go through the process that you put your people through in your line of work and going to non-profit housing and educating people as to what we can do, we would all do a better job. Most of us do not realize maybe the amount of energy that goes into certain types of packaging versus other sorts of packaging, or as you mentioned, the amounts of pollutants produced by that. It would probably be time the government got involved in a much more intensive, specific, educational program of educating consumers. I think you are right. The desire is out there by everybody to do a better job, but most of us do not know what to do.

**Ms Lines:** Yes. When you walk into a supermarket you are bombarded with products. It is, "I need this and I need this," without really looking at the products.

**Mr Ramsay:** Yes. There are some choices out there, as you have said, but most of us do not have the time to learn what those choices are. If we get that process that you avail your clients of, I think we would all be better off. Thank you.

**Mrs Mathysen:** Thank you for your presentation. I want to tap into your expertise as a consultant to business regarding recycling, because we have heard from some business leaders who have told us very clearly that waste audits, reducing, reusing, recycling, are so terribly expensive that they will drive business out of Ontario. What has your experience been? What have you found in terms of your business?

**Ms Lines:** I have not really worked with any businesses; I have only worked with people in residences. I do not really have experience with business as such. It is only things I have read. I think that in most cases there is often an expense at first, but things usually balance out. By reduction, which is probably a better answer than recycling, things usually end up being cost-saving measures. But that is not a personal experience; that is from reading articles in various magazines and journals.

**The Chair:** We appreciate your coming before the committee today. If there is additional information that you

would like to share with us, you can continue to communicate with us in writing. Thank you for coming out.

#### TEMISKAMING GREENS

**The Chair:** I call the Temiskaming Greens next. Please come forward and introduce yourself for the members of the committee. You have 20 minutes for your presentation. We would ask that you begin now and leave a few minutes for questions from committee members, if you would. Welcome.

**Mr Fraser:** My name is Doug Fraser. I represent the Temiskaming Greens. I live in Haileybury. On behalf of the Greens, I would like to thank this committee for the opportunity to present our views and our perspective.

I have had a deep involvement with environmental issues for quite some time. I have an honours degree in wildlife biology and I am a teacher of environmental science, biology and science in society. I am a director and president of the Temagami Wilderness Fund, a steering committee member of the Ontario Global Warming Coalition and quite actively involved in both timber class environmental assessment and the Ontario Hydro demand-supply environmental assessment hearings.

I am also now involved in what might be called the great garbage debate of the late 1980s. This is perhaps an issue that I as a resident of northern Ontario did not expect to be as critically involved in or called upon. I thought Toronto could handle its own problems or at least that it should take responsibility for those. It came as a surprise to residents of Timiskaming that we were being slated for possibly accepting 20 years of Toronto's garbage. Granted, I am deeply concerned about this whole issue of over-consuming waste production, but it did come as a surprise to lay such a heavy burden on such a small number of people.

I would like to address a number of topics, some of them relating fairly directly to Bill 143 and some of them of a much more general nature. I would like to close by putting a perspective or framework in place which I think is really critical if we are going to have a good basis of understanding upon which to make these judgements.

1510

Clearly the Toronto garbage dilemma comes about as a result of an extraordinarily wealthy society which has rapidly consumed resources and which has therefore started to stockpile an awful lot of waste products. I think it is important to realize that the disposal problem, to be honest, is the reason we are here. We are not here because we are worried about toxins in the environment. We are not here because we are worried about ozone depletion. We are not here because we are worried about overconsumption of resources. We are here because Toronto had a disposal problem. We are here because of a symptom of the disease, and the disease is an overconsuming society.

I would like to believe we would be here in a different forum discussing automobiles as serious polluters and we would be addressing that concern. Of course, we are in those discussions only because places like Los Angeles actually started to feel the pinch. We tend not to be here for very global concerns, but out of self-interest. I like to think

that my perspective is one much more rooted in ecology and a global perspective, because I am not particularly NIMBYish. The garbage would not be piled in my backyard. I might see it going by on the train, but that is not where I am coming from.

The public has become aware of the problems associated with landfills and with toxins in the environment generally, and I think that has created a much greater difficulty in siting landfills. There was a time, I suppose, when landfills obviously were not as difficult to site, and we have both more health concern issues now and, obviously, growing populations.

There are a number of possible solutions.

Option 1, and the very obvious one, is reduction. It is not only possible, but it is permanent. It is almost essential if we are going to have a truly sustainable society. That requires dramatic lifestyle changes, however, and that is not necessarily very easy to cause. People do not like to undergo lifestyle changes unless they are very convinced of the problem. I think an issue that really needs to be addressed by government is that it has to be willing to take on its responsibility. It would be wonderful to have every single person in Ontario take a crash course in waste production and the environment, but of course the reality is that government knows what the appropriate answers are, it has the experts and it should move to make those changes.

Option 2, at least of my select choice, is to dispose of garbage in an environmentally safe way in southern Ontario in terms of the GTA problem. This is a problem because much of the garbage we produce now is hazardous and it cannot be made non-toxic, and therefore this is a very difficult thing to sell politically, making option 1 look much better.

Option 3 is kind of a strange one. It is the presto kind of magic one. We like to think that if we put garbage in an incinerator and change it from a solid to a gas, or at least change a large percentage of it from solid to gas, and it disappears, then the problem is gone. Again, although the symptom may not be as obvious and the symptom might be spread out, the problems are at least as severe. In fact, they just protract any real solution. I think that is a dangerous thing to do.

There are some fundamental issues with incineration I would like to address briefly. It seems we would be well off to have everyone, at least in this group, have some fundamental background in chemistry, because garbage incinerators depend upon a very large volume of organic fuel. This is simple chemistry. We have inorganics and organics, and the organics are the ones that burn. The organics are comprised of two things. Non-renewable organics are fossil-fuel-based. That is the only source of non-renewable organics we have. They are non-renewable, so they should not be in the garbage stream. They just should not be there. We should not be using little plastic Dixie cups for packaging. It is an inappropriate thing to have in the waste stream and therefore should not be available for incineration. Renewable organics, which of course are the biological organics, the things that are grown on the planet in our lifetimes, would be much more appropriately either

recycled or composted, because then they are put back into the normal ecological nutrient cycles in which they belong. We are just running into trouble if we break those cycles.

Option 4 is simply to find a very poor community that is willing to take it. This is an option which is clearly doable if people agree it is ethical and is justifiable. I would have absolutely no problems at all walking around on the face of this Earth finding someone poor enough to take my garbage if I paid enough money. In the international realm we call this the First World-Third World hazardous waste or toxic waste trade, where we paid Ivory Coast countries to take PCBs and whatever.

We are just seeing the exact same scenario played out on a smaller, maybe softer-sell scale where we pick on a community that is willing to take garbage at \$1.10 a tonne when the going rate in the wealthier parts of the country might be \$75 to \$150 a tonne in tipping fees, certainly a couple of orders of magnitude difference. That is what it is. This notion of the ability to find a willing host community is an index of poverty. If you had an index of poverty that was accurately assessed, then you could just pick from that list and work your way down poorer and poorer until you found a buyer for the garbage.

We would like to compliment the government on this bill. No bill is perfect legislation, but this bill is forceful. It has gone a long way to addressing a number of key issues. One is clearly responsibility for your own garbage. There is no doubt in my mind and I think it would be hard for someone to honestly say that he feels it is not an incentive to reduce waste when you are forced to deal with your own. This is a very clear, obvious thing I think a five-year-old child would understand.

One of the problems we have with our garbage is that, like many environmental problems, we have no direct experiential knowledge of the results. What I mean by that is that when I drive my car here, I do not have to pay any cost for the global warming I have participated in. It did not hurt me to drive my car here. It did not even cost me very much. When I use CFCs in a refrigerator or they leak out, I do not pay any direct cost, and when my garbage disappears at the end of the driveway, that is it. I do not even have it itemized on my bill. So the more garbage I make, within reasonable limits, or at least what we would consider reasonable limits, which are atrocious limits—but if I produce a large amount of garbage, it does not matter. I do not pay any more anyway. The garbage disappears. It goes over the hill and it is buried.

Some people would argue, based on that clear fact, "What difference does it make if you dump it just out of sight or in Kirkland Lake?" But of course the significant difference is that if one keeps it within the actual functional community in which it was created, the political community, the economic community, then the repercussions of that waste production are felt directly and the costs are borne by the individuals who produce it, as much as is possible, and clearly that is advantageous.

1520

I want to address this tremendous concern over public consultation. It is true that public consultation is a great thing. I am glad that we have the opportunity to be here.



We have to recognize that public consultation is not exactly perfectly democratic. I know some of the presenters tomorrow, for instance, will have paid \$750-a-day consulting fees for their people to prepare their brief. I took a cut in pay to come here today, so it is a slightly different scale there as well.

Although we welcome public consultation, there are times, and I think this is one time, when we need action, and we have time limits that I think we would have tremendous difficulty meeting, given that we are going to take responsibility for our own waste and not accept an easy-out solution. There are lots of easy-out solutions, but if we are going to do what is appropriate with the waste, as well as possible, we may have to tighten up the public participation side of things.

I would like to emphasize my full agreement with John Jackson's presentation and the perspective he lends to the public consultation process. He is very representative of public interest. His notions and I think his mechanisms should be abided by and he would be a good person to consult with. I think that is the kind of position we take on public consultation.

If we look at Kirkland Lake's story, and I am just focusing on this because I find it quite interesting, we had a referendum where people said they wanted an EA. They said they wanted an EA or supported the idea of an EA because they were convinced through an advertising campaign that: "We don't know. Only an EA can give us the absolute goods. Only an EA can determine whether or not this project is environmentally sound."

I do not think we need an EA in every Icelandic whaling village to determine whether or not whaling is environmentally sound. There are some things we do not need environmental assessments for because we already have a profound understanding of the implications. This is one of them, in my opinion, and obviously not in everyone's opinion. But you do not have an EA on every harebrained scheme. I am sure the people in Sudbury are quite pleased we are not having an environmental assessment of the concept of air-dropping garbage north of Sudbury. If we did, the government I believe now has a vested interest in de Havilland and it might make good economic sense. It might even make political sense in that obscure way, but I do not think there is a need for an EA.

You can convince people through advertising of something they need. I do not think Coca-Cola would have an advertising budget of over \$1 billion if "it" really was it and it did not need to advertise. I think that is what we have seen in Kirkland Lake, an advertising campaign. Mr McGuinty and all his razzle-dazzle—you know, I think a good analogy would be going to a car dealer and expecting to get the straight goods on whether or not a car was a more appropriate purchase or the use of public transit. To be perfectly honest, I think the vested interest would tend to emphasize the use of the car.

I know I am running short here. I would just like to end with a green perspective. I want to be realistic. Environmentalists are sometimes, and I think quite wrongly, described as being unrealistic. I think I am extraordinarily realistic. But realistic means based on reality, and there are

at least three different prominent realities. We hear about the economic reality, we hear about the political reality and then we have what I call the primary reality. The primary reality is the ecosystem, the biosphere. You do not negotiate that reality. It is absolute. Therefore, although these other realities are of short-term importance to us, the primary reality has limits which are unreachable, and unless you operate within those realities—which of course is our problem; we are not—then the other things may seem important, but they are not as important as we might like.

I think it is very important as well when we consider this primary reality or ecological reality that we recognize time scales. Mr McGuinty will tell us that water will leach into the pit incredibly slowly. According to whose schedule? According to whose timetable? How slowly is slow? If we are talking about a business turnaround, then six months to two years might be required in terms of profit-making to be a suitable time frame. But in terms of ecosystems, time scales are different. Slow as far as my life is concerned might be very rapid compared to others. If we look at economic realities, economic realities provide for incentives for Nabisco to aggressively promote cigarette sales in Third World countries. They come up with the Toronto-Kirkland Lake scenarios. Those are based on economic realities, not primary realities. We have to take these into consideration much more seriously.

I guess my time is up, is it?

**The Chair:** You can finish. You have about one minute.

**Mr Fraser:** Just getting back to the pit, to put maybe a comical note on it, at least from my perspective, we are told it is fortunate that the pit is below groundwater level, because then water leaks in and not out. What that tells me is that a good place to put the garbage is in a tanker in the middle of Lake Ontario. To improve the garbage retention capabilities of that big steel freighter, we should drill holes in it, so that the water always leaks in. Then we will just keep treating it for ever. That is supposedly a welcome scenario for northern Ontario. Thank you very much.

**The Chair:** Thank you very much for your presentation today. For those who are watching the proceedings, what I have attempted to do is ensure that presenters have the use of the maximum time available. If there is time remaining for questions, it is then divided as fairly as possible among the caucuses. That is the procedure that we have been using.

Thank you very much for coming forward. We appreciate your taking the time. As I have said to others, if there is additional information you would like to share with us over the course of our hearings, please feel free to communicate with us in writing. We thank you for coming out today.

#### REGIONAL MUNICIPALITY OF HALDIMAND-NORFOLK

**The Chair:** The Regional Municipality of Haldimand-Norfolk is next, since our other presentation, NorthCARE, has not arrived yet. Introduce yourselves for the purposes of Hansard. We would appreciate it if you would leave a few minutes at the end for questions. We appreciate your coming all this way.

**Mr Westerhof:** My name is Jake Westerhof. I am the waste reduction coordinator for the region of Haldimand-Norfolk. On my left is Eric D'Hondt, the director of environmental services. Madam Chair, members of the committee, thank you for the opportunity to provide perspective and participate in the debate on Bill 143 here today, the Waste Management Act.

The political, technical and social complexities that surround waste management issues are profound. However, healthy, constructive discussion from all stakeholders, as has been the case in these deliberations, will in my opinion synthesize the best possible solutions to delivering effective waste management to the residents of the province of Ontario.

The regional municipality of Haldimand-Norfolk is located on the north shore of Lake Erie, quite some distance, as has been noted, from the region of Sudbury. It is predominantly a rural municipality with a total land area of 285,000 hectares and a population of 94,000 citizens distributed throughout six area municipalities. They are the town of Dunnville, the town of Haldimand, the city of Nanticoke, the town of Simcoe, the township of Delhi and the township of Norfolk.

As recently as 1986, the region of Haldimand-Norfolk, which has legislative authority for waste management, was operating nine small solid waste disposal sites and eight transfer stations, due in large part to the great breadth of our borders. Additionally, initiatives to reduce the waste stream through 3Rs activities were small-scale and localized. Since that time, though, Haldimand-Norfolk has taken significant steps to more effectively deal with the waste generated within its borders. As a result, a streamlined, financially sustainable waste management system now exists, the cornerstones of which are the 3Rs and composting. This approach will ensure that we realize our goals of diverting 50% of the waste we generate into more productive uses by the year 2000. Concurrent with these new approaches to our waste management system has been the successful completion of a waste management master plan, which we will elaborate on shortly.

Our brief today will outline three major themes: waste management jurisdiction, financial responsibility for recycling and household hazardous waste management, which I believe to have been an oversight in these deliberations to date. As such, we will be concentrating on amendments to the Environmental Protection Act contained within part IV of Bill 143.

I could not pass up this opportunity to make one comment about parts I through III, and one comment only. The region of Haldimand-Norfolk agrees that the resource destruction technology of incineration of municipal solid waste and the "out of sight, out of mind" mentality pervasive to transportation of waste to outside jurisdictions are counterproductive to sustainable waste management practices and are not the panacea they appear to be for Ontario. The elimination of these easy-out options presents the people of Ontario with considerable challenges in dealing with waste management. However, it is my belief that the people of Ontario are ready to meet these challenges. I think that is common.

1530

Of a more generic nature, with respect to the bill as a whole we have made some specific comments respecting part IV, which we will be elaborating on, but we are somewhat overwhelmed by the scope and detail of this part of the bill. The intent of several clauses was unclear in my mind and required some speculation on our part. For example, in subsection 136(4) of the act it is suggested that this subsection be amended by adding clause (j), which reads, without going into great detail, that the financial management of the waste management activities, including the manner in which financial information is to be communicated to the public, will be changed. It is our interpretation that powers of this nature within the EPA would conflict directly with the Ministry of Municipal Affairs, which has responsibility for accounting rules for municipalities proposed in Ontario. We would therefore recommend that the proposed amendment, clause 136(4)(j), be deleted.

Regarding Initiatives Paper No 1, we fully support the adoption of these initiatives in the interest of accelerating provincial waste reduction efforts. The initiatives are not without flaw. Therefore, it is critical that the many poignant comments I am sure the waste reduction office has received over the consultation period be carefully considered and that we move ahead on these initiatives in a practical manner within attainable deadlines.

If the intent that clause 136(6)(f) be substituted by that stated within the bill is to eliminate the misuse of the Möbius loop and quell the frustration of the average consumer being overwhelmed by dubious green marketing, we fully support the amendment. As a program operator, I can assure you at first hand that the good intentions of people to recycle and the almost universal display of the Möbius loop on packaging have led to non-recyclables commonly being placed at the curb. In turn, considerable frustration has been felt on the part of the residents when these materials are left behind. I suggest that a labelling program is greatly needed.

Major theme 1 is the erosion of municipal authority. The region of Haldimand-Norfolk has serious concerns about amendments to the EPA contained within part IV of the bill which would place broad ministerial powers over traditional waste management activities. We feel this action goes far beyond what is necessary and will lead to arbitrary decision-making lacking accountability. To place these powers at the provincial level would remove the waste management decision-making process from the people at a time we are finally recognizing the value of input at the grass-roots level.

Of particular concern is clause 29(2)(b) of the act, which states, "An order under subsection (a) may require a municipality...; (b) to accept, process or otherwise deal with such waste as is specified in the order, including waste from such source outside the boundaries of the municipality as is specified in the order."

First, the intermunicipal transportation of waste can have significant impacts upon a municipality's waste management planning process. The fundamental principle of waste management planning is disposal capacity. If the province can unilaterally impact upon that capacity by



redirecting waste, even for five years as has been suggested, municipalities will be unable to plan properly and may have crisis status thrust upon them both in terms of depleted disposal capacity and the associated financial management difficulties.

The region of Haldimand-Norfolk is particularly sensitive to this issue of accepting waste from outside jurisdictions, as we have just recently submitted our waste management master plan document to the Ministry of the Environment for its consideration. We began this environmental assessment process in 1983. We moved through the process cautiously and deliberately, taking the time to meet those individuals who might be impacted. We believe our thorough approach has served us well and produced a document with a sound basis for our future disposal capacity needs.

Unlike many, we feel the process has worked, albeit at considerable cost and over a longer-than-anticipated time frame. We submit that the process is not without flaws and we look forward to commenting on the forthcoming discussion paper on the issue of waste management master planning. Clearly, having laboured for the past nine years in environmental assessment, we look forward to the spoils of our efforts: long-term disposal capacity. We look forward because it will allow us the security to develop, plan and implement cost-effective 3Rs and composting systems which are most suited to our needs in Haldimand-Norfolk, while achieving the target of at least 50% diversion from disposal by the year 2000.

We therefore recommend that proposed amendments under part IV of the EPA giving the minister broad powers to direct waste across municipal boundaries, control municipal waste management systems and their financing and generally erode municipal authority respective to waste management be deleted from the bill.

**Financial responsibility:** There is considerable growth for 3Rs programs in the industrial, commercial and institutional sector, but at present the firm foundation for 3Rs in Ontario is the network of municipal recycling programs. These are extremely difficult times for recycling programs. Soft markets, high operating costs, decreases in and uncertainties regarding provincial and private-sector funding have many municipalities reviewing the economics of these programs. I cannot state to you strongly enough that municipalities, particularly small and rural municipalities, need financial relief immediately.

Difficult decisions must be made on the financing and division of responsibility respective to recycling programs. For too long the responsibility for the cost of these programs has been borne upon the shoulders of the taxpayer. Those manufacturers and corporations profiting from the sale of materials now being recycled must become stewards for those products and assume financial and moral responsibility. Taxpayers will no longer tolerate the inequitable financing of recycling systems. They want those who profit from the sale of products to pay their fair share.

The pleas for equitable financing and product stewardship are not new. These issues have been discussed at great length within organizations like the Waste Reduction Advisory Committee, the Association of Municipal Recycling

Coordinators, the Recycling Council of Ontario and the waste reduction office. Action must be taken immediately. It has been suggested by some that recycling programs are no longer sacred cows as municipalities face difficult fiscal challenges. Indeed many councils will be meeting in the upcoming weeks to set their budgets. At the staff level, I can assure you that each year it becomes increasingly more difficult to defend why the issues of equitable financing and product stewardship have not been resolved.

We are aware that a discussion paper on this issue is due shortly. When is this paper due and what is the time frame on that document? We strongly suggest that it be at the earliest possible date and that any action be taken under the quickest practical time lines. Municipalities recognize the benefits 3Rs programs bring and, as such, understand that they also have a financial stake. It is absolutely imperative, however, that financial responsibility be brought to bear upon all stakeholders.

We therefore recommend that the EPA be amended to clearly place financial responsibility, through product stewardship, upon those manufacturers who profit from the sale of these products and that this be accomplished within the briefest possible time lines.

**Household hazardous waste management:** A substantial portion of part IV of the bill deals with amendments to the Environmental Protection Act for the purposes of establishing a framework for imminent regulations regarding the 3Rs and composting. The region of Haldimand-Norfolk supports this as the only sustainable approach to effectively dealing with waste management. As we begin, however, to move away from simple disposal and to develop specialized 3Rs and composting systems, we become more intimate with the waste stream and, thus to be successful, it is critical to eliminate and/or handle safely problematic waste streams. Of particular concern is household hazardous waste such as old paint, used oil, solvents, pesticides and batteries. These materials can have far-reaching impacts on, for instance, centralized composting systems which many municipalities are considering as part of an overall waste management plan.

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The release of hazardous wastes in the environment has long been a major concern. Industry, particularly the chemical manufacturing industry, has commonly been targeted. However, with over 50,000 chemicals in commercial use in Canada, households are collectively the single largest class of hazardous waste generators and, through the improper disposal of these materials, are at present significantly impacting municipal sanitary landfill sites and sewage treatment systems and have the potential to disrupt and hinder 3Rs and composting systems.

Household hazardous waste management, I suggest to you, appears to be an orphan at present, and its exclusion from this bill and neglect on the part of provincial policymakers is deeply disturbing. If we are to be successful in diverting materials from disposal and into more productive uses, the reduction and effective management of household hazardous waste is essential.

We would therefore recommend that the Environmental Protection Act be further amended to include language for

the proper management of household hazardous waste and that efforts be strengthened by the province to accelerate an action plan on this issue.

In summary, we applaud the intent of the bill to further waste reduction initiatives in Ontario. We are, however, concerned about the broad powers that this document gives to the minister and the potential for the erosion of municipal authority. Additionally, we feel strongly that the bill needs to be strengthened with respect to industry becoming stewards, both financially and morally, for the products it produces, and also that this particular document should contain some language on household hazardous waste management.

It was mentioned in an earlier presentation that a number of positive comments would come out, and I do not want to come across to this group as a complainer. I think there are a lot of positive things coming out of this act, and I think we have looked at some. I would like to bring that positive work that has been done to bear a little bit by citing you a quote out of a book. The book is called *The Garbage Book* and it comes out of the office of energy conservation, put out by the Department of Energy, Mines and Resources. This document was produced in 1976, and it said: "It is now estimated that the total production of garbage in Ontario is growing at a rate of up to 7% a year and that an annual 3% increase means that we will have twice as much garbage in 23 years."

The point I am trying to make is that in 1976 it was pretty clear in people's minds that we had a problem and we needed to do something about it. I think we have been doing a lot of good work recently. I just urge you to continue that good fight, as I know I will in Haldimand-Norfolk.

**The Chair:** Thank you very much for an excellent presentation. Mr Cousens, first.

**Mr Cousens:** Madam Chairman, you keep doing it all the time and you steal my thunder.

**The Chair:** I am sorry about that. I am not supposed to say, "Thank you for the excellent presentation," when you are on to speak first. Is that it?

**Mr Cousens:** No. I think you are right. I just want to endorse it. I like where you are coming from. I think you are where I want to come from in some way, because you have a sense of the ideal and the hope that we can do something about it and have some practical suggestions about what we can do about it. We have had the weeks of hearings and we have heard some excellent presentations. All of them have been. I think people are really trying to help us do the correct thing.

But those companies that are preparing the paper and the things we are wasting and throwing away have to buy into this in some way, and somehow or other we have to get them there. They have made their presentations, but I do not think they have accepted the load of responsibility that they should have. I think you bring that to the fore again.

We have gone after the erosion of municipal authority and we keep on beating that one up. But go back to the hazardous waste. Are you doing any programs in your own

community that are working? Can you share some of those with us?

**Mr Westerhof:** We established a household hazardous waste program in our region in 1989 and we ran it somewhat successfully that year. We had it again in 1990 and we built upon those 1989 successes, and we are moving that program in a direction that I think we are all feeling pretty comfortable about. In 1991 we faced some very difficult fiscal challenges, and that was a program municipal politicians deemed that we could do without for one year.

I think that reinforces the concept about its being lost in a lot of the things we are doing. We are going to fight doubly hard this year to bring it back, because we did receive an awful lot of calls from the residents saying that this is a service they want to get back on the rails, and they gave us a sense of the importance of this particular program in their minds.

It is a program very much in the early stages of development, and it is a difficult issue. We struggle with it as people who try to deliver that service. There are many, many problems with trying to deliver that type of program. We are trying to deal with them, and I think we will over time. But we need to learn and we need to have little programs that will build into bigger ones. Those are the comments I will make to my people and hope they get it back on the books.

**Mr Solá:** On page 9 you state, "Clearly, having laboured for the past nine years in environmental assessment, we look forward to the spoils of our efforts: long-term disposal capacity." In light of that, you have a recommendation to delete an amendment in part IV that would give the minister dictatorial powers. Suppose your proposal that the minister retains her broad powers, as you put it, is not accepted? What will that do to your plans "to develop, plan and implement cost-effective 3Rs and composting systems"?

**Mr Westerhof:** We all recognize that you need that disposal option as part of the overall mix of any system. I guess the point I am trying to make there is that in order for us to deliver and meet those targets of 50%, we need that sort of disposal option to soften the financial picture, if you will, within the region as a whole.

Losing that particular disposal capacity within our borders will probably throw us into a bit of a financial struggle, and I have to be perfectly honest with you. When the finances of municipalities start to become difficult, everything is open for cutting, and maybe they start to erode some of our 3Rs programs and composting initiatives and start to focus entirely on ensuring that we can find a legal home for the garbage we are producing. Not having that disposal capacity turns those potential resources into garbage and really forces you to deal with it in those terms, which we believe is wrong.

**The Chair:** I am assuming that Ms Haeck and Mrs Mathysen will yield to allow Ms Murdock a last word.

**Ms S. Murdock:** It is very kind, and I know they will defer.



I want, first of all, to commend you on Haldimand-Norfolk's having started this so long ago, in 1983, according to your brief. I presume this has not been done in isolation. Have the issues you have already discussed in terms of the ministerial powers and so on been discussed with the ministry, or has there been any consultation with the ministry since 1983?

**Mr Westerhof:** Maybe I could ask Mr D'Hondt to comment on that.

**Mr D'Hondt:** The ministry has been very involved with this process all along. As you are fully aware, there is an environmental assessment officer who sits on our environmental assessment waste management committee who advises us. Fortunately, we had a very excellent individual who helped us along. With respect to involvement from the minister or the waste reduction office, there are representatives whom we invite in from time to time and seek their input, their information.

**Ms S. Murdock:** And the community people?

**Mr D'Hondt:** Oh, yes. Again the Environmental Assessment Act does require it, and we have had numerous meetings with the public. If anything, we have to invite people to come out, because the information is available to them so readily from our office that they feel we have done a fairly good job in addressing those pressure groups' concerns.

**Ms S. Murdock:** Last, I take heart in your saying that producers who profit, that industry should be taking some responsibility. Have you looked at individuals taking responsibility? We heard one presenter earlier today talk about how her garbage has been reduced to one bag every three weeks. I just wonder how many municipalities have looked at the concept of charging.

**Mr Westerhof:** Pay per bag is probably what you are referring to. I think that is something all people at the staff level are looking at within municipalities. At this point in time, though, we are promoting a public education program which includes backyard composting and participation in recycling programs, as well as looking at the waste you produce and trying to become more efficient at reducing the amount of waste you produce.

As I am sure you are aware, the local municipalities are responsible for the collection of waste. Some of their by-laws are being looked at and the bag limits that are allowed

to go to the curb are being reduced in the interest of trying to send a message to people about the amount. Rather than 10 bags, it is down to four or something like that. So those sorts of things are taking place, which are probably the first steps towards this pay-per-bag type of system.

**The Chair:** We appreciate your coming before the committee today. I want to thank you for your presentation. I know you have heard me say to others that if there is additional information that you would like to share with us, you certainly can do so in writing. We do appreciate your coming all this way. This was one presentation which was on the waiting list in Toronto and could not be accommodated there but was offered a spot that was available here in Sudbury. They travelled all this way so they could address the committee in person. We appreciate that and we thank you for coming today. It was an excellent presentation.

At this time also, it appears that our last presentation, from NorthCARE, is not here and will not be presenting to the committee.

Just before I adjourn, I have some housekeeping information for committee members, such as, the bus will be outside the doors exactly at 5 o'clock on the Brady Street entrance. Your bags are already on the bus, and we will be proceeding directly to the airport.

The next bit of information is I want to just inform you that if you want any details regarding tomorrow morning, I would be happy to share them with you informally at the airport.

Was there anything else?

**Mr Martin:** I have one question with regard to the funding of deputants who come before us.

**The Chair:** Discuss that with the clerk.

The last thing that I would like to say on the record before we leave Sudbury is to thank the city of Sudbury for the use of its very nice council chambers. We found them very comfortable. I know it is always a pain in the neck to municipalities when travelling committees come, and we very much appreciate their putting themselves out and want to say how much we have enjoyed the use of the facility. We were also pleased to see so many people from the Sudbury area come out to participate as part of the audience in the viewing of these very important hearings.

The committee adjourned at 1555.

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Ramsay, David (Timiskaming L) for Mrs Fawcett

**Also taking part / Autres participants et participantes:**

Blackwell, Drew, Ministry of the Environment

**Clerk / Greffier:** Mellor, Lynn

**Staff / Personnel:** Richmond, Jerry, Research Officer, Legislative Research Service







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## Legislative Assembly of Ontario

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## Assemblée législative de l'Ontario

Première intersession, 35<sup>e</sup> législature

# Official Report of Debates (Hansard)

Tuesday 18 February 1992

# Journal des débats (Hansard)

Le mardi 18 février 1992

## Standing committee on social development

Waste Management Act, 1991

## Comité permanent des affaires sociales

Loi de 1991 sur la gestion  
des déchets



Chair: Elinor Caplan  
Clerk: Lynn Mellor

Présidente : Elinor Caplan  
Greffière : Lynn Mellor

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Under the new system, the sequence of numbering started in January 1991 will end with the final House and committee sittings of the present First Session. A new sequence will begin on the opening day of the Second Session, and each succeeding session, which will be issue 1 and begin with page 1. Committee reports likewise will be numbered from the first sitting of each committee in a parliamentary session.

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Avec le nouveau système, la numérotation commencée en janvier 1991 s'arrêtera à la dernière séance de la Chambre et des comités de l'actuelle première session. Une nouvelle série commencera le jour de l'ouverture de la deuxième session et des sessions suivantes : numéro 1, page 1. Les rapports des comités seront également numérotés à partir de la première séance de chaque comité pour une session parlementaire donnée.

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# LEGISLATIVE ASSEMBLY OF ONTARIO

## STANDING COMMITTEE ON SOCIAL DEVELOPMENT

Tuesday 18 February 1992

The committee met at 0902 in the Bon Air Motor Inn, Kirkland Lake.

### WASTE MANAGEMENT ACT, 1991

#### LOI DE 1991 SUR LA GESTION DES DÉCHETS

Resuming consideration of Bill 143, An Act respecting the Management of Waste in the Greater Toronto Area and to amend the Environmental Protection Act / *Projet de loi 143, Loi concernant la gestion des déchets dans la région du grand Toronto et modifiant la Loi sur la protection de l'environnement.*

**The Chair:** Good morning, everyone. The standing committee on social development is now in session. These are public hearings to examine Bill 143, the Waste Management Act, 1991. This is our second day of public hearings outside of Toronto. Yesterday we were in Sudbury.

We have an agenda for this morning. I think many of you have been watching the proceedings or are aware of the rules of procedure. I think you are familiar with most of the committee members, and I would like us now to begin with the very first presentation.

#### TOWN OF KIRKLAND LAKE

#### TOWN OF ENGLEHART

#### TOWNSHIP OF LARDER LAKE

**The Chair:** I call the town of Kirkland Lake. You have one hour for your presentation. We ask you to please leave a few minutes at the end for questions from committee members. I will reserve a few minutes for you to sum up following your presentation. Please begin now.

**Mr Mavrinac:** It gives me a great deal of pleasure as the mayor of Kirkland Lake to welcome you and the panel to this great town of ours. I am the mayor of Kirkland Lake and was recently re-elected to my fifth term of office. I am also the first vice-president of the Association of Municipalities of Ontario and have been directly involved with its recent presentation on Bill 143 to these hearings by our president, Helen Cooper, the mayor of Kingston. As you are aware, AMO opposes many aspects of the bill, including the item we will be addressing today. I am joined today by my northern municipal partners in the Rail Cycle North Project, Mayor Bettyanne Thib of Englehart and Reeve Jo-Ann Thompson of Larder Lake. Both have a specific issue to discuss with the committee regarding Bill 143.

I am also very pleased, on behalf of Kirkland Lake and the entire region, to again welcome to Kirkland Lake and to these hearings our partners from Metro Toronto, Joan King, the chairman of Metro public works, Paul Christie, the past chairman of public works and Mr Bob Ferguson, the commissioner of public works for Metro Toronto. Their presence today is not just a symbolic gesture. Our meetings and discussions are continuing. This proposed

legislation has not and will not affect either the viability or the commitment to this north-south partnership.

But first, for the members of the committee who have never been to one of the north's most historic places, a brief introduction. Kirkland Lake has a glorious past but a very difficult future. Kirkland Lake was once the major gold-producing centre in North America, producing over 30 million ounces of gold. We had seven gold producers on our famous mile of gold; now we have one. We had a population exceeding 25,000 people. Our population is down to 11,000 and our current unemployment rate is unacceptable, some estimate between 25% and 30%.

We are used to making adjustments to the boom-and-bust cycle of a resource-based economy. Our people are resilient and as a result of our historic mining background we proudly retain a multicultural community. Our town shall survive and prosper because of our people. What we cannot understand is why our provincial government is trying so hard to destroy our communities.

The attitude of this government regarding the Adams mine project and our north-south partnership with Metro forces me to be very blunt. Presentation of the facts in a serious and reasonable manner has fallen on deaf ears. We are up against a wall of uninformed prejudice on the part of the Minister of the Environment, Ruth Grier.

One year ago she told us on a telephone—a conference call was the closest we could get to Ruth Grier—"I do not want to discuss the Adams mine project or your agreements with Metro." Since then she has stonewalled us and refuses to discuss the facts.

Ladies and gentlemen, there is a message here. For our part, we have spent hundreds of hours in discussion, consultation, negotiations and research to allow our region to develop new economic and environmental opportunities by reusing and recycling the Adams mine site. Our councils, sitting before you today, believe strongly that we are pioneers in the establishment of cooperative agreements with southern Ontario, specifically Metro Toronto. These agreements will shape new economic strategies to assist the entire province in the years ahead.

There has been no evidence, either environmental or scientific, indicating that the Rail Cycle North alternative should not be a part of a progressive provincial solid waste strategy. In fact, the reverse is true: There is continuing expansion by the railways in North America in the movement of solid waste. There is expansion of technologies in recycling, and it is a fact that our northern assets, like the Adams mine, may be far more acceptable to the environment for the landfill of solid waste than other alternatives.

Some comments on Bill 143 itself: Hardly any more can be said as you enter this last week of hearings. The comments are overwhelmingly negative. Nothing can better illustrate the total rejection of this legislation than the



presentation made by Eldred King of York region, where the chairman called the bill anti-everything from civil liberties to the environment. I say, Madam Chair and panel, this bill is also anti-northern Ontario, as our local rally group has indicated to this region.

It should also be noted that a point which was made in the York presentation completely destroyed the reasons cited by Mrs Grier as to why the Adams mine cannot be included as an alternative to the solid waste situation in the greater Toronto area. Mr King stated, "As far as Metro citizens are concerned, a garbage dump in your region is...out of sight, out of mind...and therefore defeats Mrs Grier's stated purpose. Keswick, for example, is, to most Metro citizens, as far out of sight as Kirkland Lake." That is plain English, and that is why this minister will not be allowed to suppress northern Ontario to satisfy her ideals. Let me address details as to why these ideals and this bill are wrong and why the NDP must consider the amendment which we will propose at the end of our presentation.

Our host region is a reality. As I followed the hearings, I have listened to various members of the government focus on specific issues which were obviously intended to undermine our agreements with Metro. Let me first begin with Mr Wiseman. We do not just have a host community, Mr Wiseman, we have created a host region, and the mayors appearing before you today represent 93% of the population of that region.

The Adams mine site is located in an area of unorganized townships, and for the members of the south it is a territory which is not within the boundaries of any municipality. The area is basically administered under provincial regulations. Specifically, the Adams mine is located in Boston township, an area of 36 square miles containing a population of 24. This represents a density of one person for every one and a half square miles.

The basic foundation in defining our host region is that all of the employees of the Adams mine who lost their jobs resided within our communities or in the area bounded by our communities. There were 400 jobs lost. We worked with Englehart and Larder Lake to consider all the communities' requirements and concerns. We retained professional legal advice to represent us in all negotiations and, therefore, we made a commitment not to exclude any other residents in the area. This has resulted in agreements which are available to you and provide for a distribution of royalties on a per capita basis within the region to everyone.

0910

You will hear from some groups, "We're not included in the negotiations or the discussions." This is not true. None has been excluded from the benefits that have been negotiated, nor have they been excluded from the discussions with Notre Development and they have certainly not been ignored. Moreover, this government and this committee must also be aware that the previous government has already given its endorsement of our host community status. Metro specifically asked for a review by the government prior to optioning the site and prior to signing our agreements. I entered the attached letter into the hearing records. It

is dated March 1, 1990, written by the Deputy Minister of Northern Development and Mines, stating to Metro Toronto:

"I would like to confirm that the Ministry of Northern Development and Mines, on behalf of the province, does not wish to see the Adams mine site excluded from further consideration by SWISC on the grounds that there is no endorsement by a willing host community. Given the resolutions from Kirkland Lake and other surrounding municipalities, it is my belief that the demonstrated support from the willing host for purposes of the GTA nomination have been met."

We are a willing host, Mr Wiseman. We are also a willing host region. Individual residents of some townships may have objections just as some residents of Kirkland Lake do, but I caution the NDP members of this committee not to play politics because a clear fact remains: What has been achieved by the creation of this host region should be held up as an example of cooperative government.

We are aware of many other communities in North America which have developed successful relationships with other municipalities or private companies to be a willing host for solid waste disposal such as Cache Creek in British Columbia and Arlington in Gilliam county, Oregon. Within the past month I have had many residents call me about an episode of the ABC television show, 20/20. They did a special on a community in Michigan entitled *The Town That Loves Garbage*. We ask the Minister of the Environment not to insult us by saying we are a remote community. We know what we are doing. We can prove it if given the chance.

At this time I would like to touch on the recent Kirkland Lake referendum. This referendum resulted from a request by a citizen who was a former councillor and who intended to run again in the municipal election. He did and was elected. He felt that by placing the issue before the voters it would provide a clear direction for the new council to proceed in our new term of office. He proposed the wording of the referendum. I believe that Councillor Brian Coghlan is in the audience today. If he is I would like him to stand.

The question was not created by our council, any opposition group or Notre Development. A member of your committee actually questioned whether or not the residents knew they were voting on Toronto's garbage. We had been discussing it in our community for two years prior to the vote. Everyone understood the issue and the question. Yes, ladies and gentlemen, there was one exception: my opponent for mayor. He did not understand the question, and was the only one who decided not to mark his ballot. Fortunately, the rest of the population took the time to become informed and make a decision: 69% said yes.

The question was the only one to be asked. Our councils have always asked for a full environmental assessment, and only if successful do the agreements we have entered into become valid. You will hear today from some members of the community who are opposed to this project. I respect their right to do that. However, do not be misled. During the past two years we have never had more than 12 people opposing this project at any council meeting when the matter was brought up. They have never had

any demonstrations. There has not been any community discord. There has been debate which resulted in a positive vote of support in our community of Kirkland Lake. The voters want to proceed with an environmental assessment. I have all the documents from the clerk. I will present them to you for every time that matter was before council—legal documents.

I would like to address the commitment to the 3Rs, a primary focus of this development, one which Ruth Grier is conveniently ignoring. In fact, Rail Cycle North is more seriously committed to the 3Rs than Ruth Grier. It can have a positive impact on the north. Her policies can only hurt us, the result of no consultation whatsoever.

During our negotiations with Metro it was never anyone's intention to ship recycled products to the north and then turn around and ship them back to Toronto. We were not prepared to be just Toronto's garbage dump. That is why the agreements call for a recycling facility capable of processing a minimum of 120,000 tonnes from Metro's waste diversion stream. Our agreements call for us to negotiate with Metro which products from its diversion stream should be shipped north for processing, creating secondary jobs and new products. The graph illustrates this commitment as does the addendum to this presentation.

An important issue is secondary markets. I want the following letters entered into the record: one from the Ministry of Natural Resources indicating its willingness to examine the use of compost on our 40-million tree seedling industry in the area; and this letter from the manager of corporate environmental affairs of LAC Minerals Ltd, which confirms its intent to use products from composting at the Adams mine in mine tailings rehabilitation.

We are in an outstanding position to assist in the development of the 3Rs in northeastern Ontario with the establishment of the Rail Cycle North project. Is the north not a part of Mrs Grier's conservator society? Our agreements stress our commitment to the 3Rs. As part of the agreements, our councils made it mandatory that a recycling facility be constructed and operated by Metro for a 20-year period. We could have taken a higher royalty per tonne but opted instead to create jobs and become part of recycling technology and the 3Rs of the future.

Before you hear from my fellow mayors I must address an area which I find the most insulting and irresponsible other than the attitude of the minister herself: the lack of support exhibited by the northern NDP members of this government. It is absolutely incomprehensible that the Minister of Northern Development and Mines refuses to discuss this project because of her philosophies. Gilles Bisson in Timmins refused to acknowledge the letters of support sent to him. Floyd Laughren, our Treasurer, was bombarded at the last Federation of Northern Ontario Municipalities annual meeting on this issue, and Jo-Ann Thompson will allude to this. We hear nothing from him.

The northern member of this committee, Mr Tony Martin, has done nothing during these televised hearings except try to create misinformation on the support which we have generated throughout the north, as is evidenced here today. Mr Martin stated on television that the northern caucus members support this bill and Mrs Grier's position.

If that is true and if you are not prepared, as northern members, to represent the people of the north and to allow evaluation of new opportunities, then you do not deserve the right to represent us. Remember the councils before you represent 93% of our region. The northern caucus must change this attitude, Mr Martin, and you must be the messenger. If you do not, then this whole exercise is a charade and goes against everything as far as democratic process is concerned.

I understand that the past president of FONOM addressed that situation very clearly yesterday. This committee must take back the message that the north will not stand for this type of political misrepresentation. We understand party politics but when it goes against overwhelming evidence of strong, credible support from every major organization and municipality, I do not know how the government members can sit at this table and support the policies of Ruth Grier on this issue. The government must begin to understand the depth of the resentment in the north.

Michael Leahy is here representing the prospectors of our area. When the prospectors and the mining industry are forced to form a group called Save Our North, when hundreds gathered in Timmins two weeks ago with the support of Sault Ste Marie, Mr Martin, this government must change. In fact, the environmental policies of Ruth Grier and their impact on northern mining is a major focus of Save Our North.

At the conclusion of our time period, I will present our amendment regarding the Rail Cycle North initiative. I call on this government to meet together with Kirkland Lake, Englehart, Larder Lake, Metro Toronto, the city of Vaughan, Canadian National Railway, Canadian Pacific Railway, Ontario Northland, the region of York and Notre Development Corp to review this alternative.

Rail Cycle North, Metro and our communities have a realistic alternative to the GTA waste problem. Is fair play and consideration of our efforts over the past year too much to ask? We are prepared to play by the rules of the EAA; the minister and Bill 143 should give us that right.

I would like to call on Mayor Bettyanne Thib of Englehart.

0920

**Mrs Thib:** I am Bettyanne Thib and I am the mayor of Englehart. Our community is 30 miles south of Kirkland Lake and approximately 16 miles south of the Adams mine site. We are the only community in the partnership that will be physically affected by Rail Cycle North, because the trains will go through our town.

Our community's history portrays a railway town. We have a long tradition as an important part of the Ontario Northland Railway system, with its maintenance facilities in Englehart and a substantial labour force based in the town. We are also the home of Canada's largest and most modern waferboard facility, and we have had a great deal of experience with environmental issues.

Englehart is a pivotal partner in the host region; 70 employees of the Adams mine and their families were residents in our town when the mine closed. The layoffs affected us greatly.



I support Mayor Mavrinac's statements on the validity of our host region. We have worked together, shared each other's concerns, combined our experience and expertise and created, first, a regional partnership and, second, a north-south partnership with Metro Toronto. We have not excluded any residents in the region from any of the benefits that may occur, and our agreements call for ratification by the Ontario Municipal Board and all other provincial agencies.

Our council is also extremely proud of our efforts to provide an opportunity for this area of Timiskaming to diversify. The agreements with Metro were the result of long, protracted and serious negotiations. The terms of the agreements had to satisfy all of the communities, not just Kirkland Lake and Metro.

Our council demanded and received changes in the final language of the agreements in order to ensure to a greater degree the commitment to the recycling operation. The north has the same concern as does the rest of the province regarding our commitment to waste reduction.

This project has resulted in an opportunity for us to improve our environment in the north and support the 3Rs to a degree that will be impossible without the Metro agreements. The agreements provide for the construction of the recycling facility and provide economic stability and new job creation.

I also believe our community of Englehart could give the Minister of the Environment, Mrs Grier, a lesson on consultation and communication with regard to solid waste. This project is not now, nor has it ever been, a controversial issue in our community for a number of reasons.

First, Notre Development Corp should be congratulated for its accessibility and its willingness to respond to any requests for information. They made considerable efforts to attend municipal council meetings, to speak at local schools and to reply to any requests made by our council since the fall of 1989.

Second, our council decided we had a responsibility to inform our taxpayers on the issues, not wait for them to listen to rumours, misinformation or unfounded allegations. We asked the Central Timiskaming Economic Development Corp to research, investigate and produce three separate newsletters. I would like copies of these newsletters entered into the record of these proceedings. I think they are attached to our presentation.

We became proactive on the issue of the Adams mine. We gave our taxpayers the facts as they were available, and we mailed out these details to every individual home in our area over a 12-month period. What was the result? Our complete council was acclaimed during the municipal elections held on November 12, 1991. We had no controversy and our acclamation is solid evidence of the community's support for an environmental assessment, evidence as strong as was exhibited in the 69% result in Kirkland Lake.

A brief comment on opposition to this project from Englehart's perspective: We had representatives from the Responsible Environmental and Economic Prosperity Association attend two of our council meetings. The information they presented was inaccurate and unfounded

regarding the projects and their technical details. We asked them to return at any time with factual data. They have never returned. REEPA thanked us for being so open with them as they left the meeting.

Our council decided we will make decisions based on recognized technical information, site-specific to the Adams mine site.

The NDP government, the Premier and the Minister of the Environment must address the realities of their policies on the north.

Our community's tax base is to a great degree tied to the forestry industry, due to our town's major industry, the waferboard facility. This plant has seen layoffs and shut-downs due to market conditions, even though the plant is the most modern, cost-effective facility in the world for its specific type of product.

The market for Canadian forestry products is in a state of decline. As a result, with declining tax revenues, job loss, and with social service costs almost uncontrollable we need to find new solutions now, not after our communities have deteriorated and our residents have left.

How can this government mandate this legislation? We have legal agreements entered into by our municipalities. Should two years of consultation and millions of dollars in studies and research be ignored and disregarded? Prove to us this option is not an acceptable environmental solution through the existing Environmental Assessment Act. Do not destroy an opportunity with legislation that is unreasonable and irresponsible.

Englehart is also a farming area of Timiskaming. Another proponent had suggested using farm land for a landfill for Metro garbage. We would not support that, just as the taxpayers and councils of the greater Toronto area will not support new landfills on southern farm land or in close proximity to their communities.

The Adams mine is an asset. It will not affect any one of our communities' infrastructure, residential areas, tourism or agriculture. The site has rail access, and our traditional northern asset, the Ontario Northland Railway, will play an important role in the province, in the north and in our community of Englehart.

Our council has a clear mandate from our residents in requesting an environmental assessment of the Adams mine. I am convinced the north as a whole supports the assessment.

Englehart's message to Ruth Grier and this committee is: Examine how we have consulted with our residents and provide the north with the same degree of consideration.

Englehart's message to this government is: Amend Bill 143 to allow and encourage consideration of the Adams mine as part of a provincial solid waste management strategy.

Finally, examine this bill so that these hearings will result in progressive legislation for the province on waste management. A review of our proposed amendment seems mandatory.

0930

**Mrs Thompson:** I am Jo-Ann Thompson, the newly elected reeve of Larder Lake. I have been a councillor for

the past six years and have actively supported the agreements between our municipalities and Metro Toronto.

You will be hearing later today from our former reeve who was directly involved in all negotiations. Let me also make it clear that in our municipal election all the councillors who were elected supported the Adams mine project and the ones to oppose it were defeated.

My presentation will reinforce what you have heard with two specific examples. First, the government admitted at the recent annual meeting of the Federation of Northern Ontario Municipalities in Sudbury that indeed, "There may not have been enough consultation on the Adams mine issue." The Treasurer, Floyd Laughren, made that statement after continuous questioning by delegates from all over the north, not just our region. Later, in a conversation with the Treasurer, who is also responsible for the Ministry of Economics, he assured me personally that he would take the situation up with his colleagues. Attached to my presentation is a copy of a letter I sent to Mr Laughren after the convention, dated May 17, 1991.

What has been the result of this consultation at one of our most important northern forums with the government and with northern ministers? Nothing.

I feel this documentation is important in order to stress that indeed we have been trying to be rational, patient and considerate of the problems the new government may be having. But with 10 members from northern Ontario, and the inaccurate form letters we keep getting from them on the Adams mine project, it would appear that an uninformed Ruth Grier is running the government, supported by Shelley Martel.

I agree with the comments of Mayor Mavrinac on the importance of this issue. With representation like this, we will not survive. New industry entrepreneurs and investment will refuse to come north.

Second, I find it extremely difficult to understand the priorities of the Premier of the province. He allows his Minister of the Environment to run roughshod over agreements, referendums, resolutions and opportunities which will assist this area of the province. He agrees northern Ontario is one of the hardest hit with unemployment in Canada.

At the same time, he is advocating a social charter for the citizens of Canada. This would guarantee equality of opportunity, access to social services and an opportunity to earn a fair wage. The first thing he should do is clean up his own backyard, beginning with the Minister of the Environment and the Minister of Northern Development and Mines.

I noted on television last week during the hearings that the mayor of Mississauga called Ruth Grier a dictator. That certainly seems to be the case, as she is dictating to the northern members of the government and to the rest of the province with this legislation.

Social responsibility in government should include access on important issues. The Minister of the Environment and indeed the Minister of Northern Development and Mines are refusing to display even a shred of social conscience with regard to the economic and environmental future of this region and in fact the entire province.

Solid waste management are not bad words and garbage is not a bad word. It is the foundation for recycling, reuse and reduce, Mrs Grier's buzzwords. The north has greater experience in major projects like the Adams mine than any municipality in southern Ontario. We are capable of ensuring our environmental protection using the existing Environmental Assessment Act. We do not need legislation which has no basis in fact and which will not result in safer landfills, perhaps just the reverse. This bill has the potential to deny the north and the south an opportunity to forge a lasting partnership.

We intend to leave time for questions from the committee and therefore I will conclude with the following analysis. The province, the north and this country are undergoing tremendous hardship and change. This government was elected based on its concern for the people and our belief that reasonable and intelligent discussion would be allowed.

I would like to tell the members of this committee, specifically the government, that after observing the unbelievable lack of consultation on this issue, with no reasons given which are even remotely valid, we cannot afford three more years like the first 16 months.

We need this project evaluated. If it is rejected under the Environmental Assessment Act, then due process has taken place. We cannot afford, nor will we tolerate, due process as mandated by the Minister of the Environment and the Minister of Northern Development and Mines on personal principles.

**Mr Mavrinac:** Do you have questions now, Madam Chair?

**The Chair:** Yes. Thank you, Mr Mavrinac.

**Mr Mavrinac:** I want a few minutes after for the proposed amendment. That will be allowed, I am sure. Is that the procedure?

**The Chair:** Yes. I want to advise everyone here that translation devices are available at the back of the room for anyone who requires them. Second, we will now move into the question format. We have approximately 20 minutes available for questions. I have a number of speakers on the list, so I will divide that time between each of the caucuses, and I have reserved sufficient time at the end for the mayor to make a summation presentation. I will begin with Mr Cousens.

**Mr Cousens:** I think this is just one of the most excellent presentations I have seen. The fact that you have a consortium of the municipalities coming together and making this presentation and not you alone here in Kirkland Lake, Mr Mavrinac, I think is a tribute to the way in which the people are coming together on it.

I want to make one point at the beginning, and it is a very political statement, but the fact is that we would not be here in Kirkland Lake if the New Democrats had succeeded in blocking our visit to this community. I just want to say in appreciation that the Liberal Carman McClelland and I were the only two who supported the motion. I have a press release here and I just want to put it on the record that there were two who supported coming to Kirkland Lake, myself and Mr McClelland, and of the New Democrats, those



who were opposed were Haeck, Hope, Martin, Mathysen, O'Connor and Wiseman.

The fact of the matter is that we had to come and look at the Adams mine site this morning to see that hole and understand something of what it is all about. So much of what you have said this morning had to do with that site, and I support the concept of having an environmental assessment on it. I do not know whether that is the right site or not, but to me you are saying the right thing. You are not saying "Have it there," but "Have an environmental assessment on it," and I am very impressed that your statements included that as being a prerequisite to any kind of finalization of the deal. I think it is very important for me to see that part of the deal, because to me, not to have that as implicit in any kind of deal is to make a farce of the whole environmental process. I would rather see a policy established that allows a site to be looked at, but then have a full environmental assessment on it. I think that is fundamental to anything we are going to do on it.

I also want to just touch on one of the elements, and I want to save some time for my colleague Mrs Marland. It has to do with the dissenters. I have to tell you that you see two groups, one group pro and one opposed. I guess what I need to do is have a sense. Yes, I am satisfied there was a referendum. I am satisfied Englehart had a vote on it. Is that continuing to be the case? Is there a sense that the opposition is growing or that those who are supporting it are diminishing or how does it stand?

**Mr Mavrinac:** I think if anything, Mr Cousens, the support is growing for evaluation of the Adams mine site. If you took a walk down our main drag last night or this morning, three years ago in 1988, there was not one storefront vacant. Right now we have in excess of 30 storefronts vacant. Our population has diminished greatly, and the people are becoming more aware that something has to be done. We have to diversify. We have to look at all these matters, and as you stated, we do not know what is out there.

Some of the opposition said that the question was not the right question, that we should have had a question, "Do you want Toronto's garbage or don't you want Toronto's garbage?" We have been absolutely adamant right from the outset. We want an evaluation done so we would know if we wanted Toronto's garbage or not. How could we make an informed and a reasonable decision if we did not have an evaluation done on that project?

As I said, it is absolutely incomprehensible that the Minister of Northern Development and Mines will not look at this to evaluate it. We are not saying it is good or it is bad. Evaluate it. It might be the best landfill site in the North American continent. It is just like having the best mousetrap. If you have the best one, you are going to sell it. We feel that we have a viable alternative here and it should be evaluated.

**Mr McClelland:** Joe, I have met you before, and I am particularly pleased to have met Bettyanne and Jo-Ann. I hope you will forgive me for addressing you by your first names, but I feel a sense of real hospitality here and I want to acknowledge that as well. I am glad I have met you,

because from hearing from my colleagues over the past and some in the opposition, I thought you were—and I say this tongue-in-cheek—just poor, simple folks who were being duped by a flashy campaign and did not really have any minds of your own. I know that is not the case, and you know that too, but that is certainly the picture that has been painted.

Joe, I want to ask you a question before I get into my other question. Have you ever changed your mind about anything?

0940

**Mr Mavrinac:** Never. Believe me. Ask Sola. We do not change our minds too often.

**Mr McClelland:** Let me tell you that I have changed my mind about a number of things in the past and I probably will again in the future. I usually do it on the basis of trying to look at things, make an evaluation and sit down and perhaps admit there are things I may not have understood or take a look at them.

My friend Mr Cousens touched on something. Let me tell you what we were told when we wanted to come to Kirkland Lake, and this was by my colleague Mr Martin: "We would prefer not to go to Kirkland Lake. We also have a situation where we have a conflict of interest there. Kirkland Lake has presented a proposal, has an economic interest in having that proposal be part of our larger package. To my mind, that constitutes a conflict of interest."

I find that a curious definition of conflict of interest, but I want to say that I am glad we are here today to have an opportunity to at least look, listen and perhaps change our minds, to make an evaluation, based in part on what we hear, but moreover to push the issue that this ought to go, in our view, to an independent body to make an evaluation based on the facts. That is all we want.

I want to point out to you that Mrs Grier has changed her mind as well. Mrs Grier, prior to being elected, was a champion of the environmental assessment. She was the one who stood, all across this province, together with Premier Rae, and said: "We believe in public process. We believe in the right of people to participate. We think that's important. We think it's important to talk to people, to dialogue, to come to a meeting of the minds and understand each other and come to the best possible solutions available."

That was before September 1990. After the fact, your experience has been: "Listen, if you don't agree with us, we don't want to talk to you, because if reality doesn't fit our ideological mindset, we don't have any room for it."

I understand the fight you are up against. I wonder if you could just touch on the fact again and expand on the fact that what you are saying is that you want to have some honest and open dialogue. I know that at one point in time you felt you had your foot in the door and that door was shut. You thought you had an opportunity to talk to some of the northern government caucus members and then that was shut out for you.

The other thing I think is very important for people here to understand, and I want to focus on that, is that none of us in opposition, as far as I know, and I will let for Mr Cousens speak for himself, are saying that we are necessarily

in favour of the project. We are saying we are in favour of looking at the project and giving it a fair, honest, open run. If it withstands the scrutiny, fine, and if it does not, so be it.

I guess what I am asking you to do is to comment on the sense of fairness and appropriateness of a government that on one hand says, "We want to listen to you," but when push comes to shove will not even have the courtesy to return your calls, will not even talk to you.

**Mr Mavrinac:** Thank you very much, Mr McClelland. What makes it so discouraging is that Ruth Grier herself said to treat solid waste as a resource. Maybe she did not continue with that statement because, after abrogating our agreement with Metro Toronto, it seems that she wants solid waste to be treated as a resource only in southern Ontario, excluding us in northern Ontario, and we think that is very unfair. We have shipped our resources to southern Ontario for processing since the turn of the century and got very little in return, but this was one opportunity where we thought that, with our agreement, if the Adams mine site went ahead, if it was proven environmentally sound, we could produce products from the recycling plant and not only assist all of northeastern Ontario in the waste management plan but also help Toronto. We thought it was an absolutely wonderful agreement, but the only thing is that she did not give us that opportunity.

**Mr Martin:** I would like to start by saying that you certainly told your story well, and it is a story that any of us in your place would tell who represent communities in northern Ontario, because when we became government we inherited a sad legacy of the industrial development in the north. My biggest concern with this legislation and this particular issue is for all of northern Ontario, because it sets a very interesting precedent here.

The sad legacy of northern Ontario that all of us can tell I think is based on economics and the economics of high-grading. I would like to focus for a second on that, because there are a lot of other issues I would like to talk to you about re this particular proposal, but I want to focus on that for a moment.

Bob Gray came before us yesterday and talked about how the north had been raped of its resources. High-grading is an analogy I am sure you and this community are able to identify with very much. I suggest to you that this particular operation is another high-grading of a resource. Were you at the table when the deal was cut between Notre and Metro re where the profits of this venture would go and who would benefit?

If you were, I would like to ask you your perception on why you allowed Metro, which now collects a tipping fee of \$150 a tonne, to offer the town of Kirkland Lake a tipping fee of \$1.80 per tonne? Why would you allow all of the recycling opportunities that are going to be presented here to be on their property and owned and controlled by them? In fact, most of the recycling opportunities will never get to northern Ontario anyway, because the garbage will be high-graded before it gets here.

I would like to know, if you were at that table, why you allowed that to happen and why you think that would be an

interesting precedent to set for the rest of Ontario as we try to develop an industrial sector here that speaks of our owning it and benefiting the most from it, which has not been the history up to now. I would also like to ask you to comment on what other ways Metro has indicated to this community its genuine interest in Kirkland Lake, the people who live here and the quality of life you came to expect and now are having a difficult time with, as are we who represent other communities in northern Ontario.

Those are the questions, but before I let you answer them I want to suggest to you as well that an environmental assessment of this project will not in any way deal with the economics of it.

**Mr Mavrinac:** All right, thank you very much, Mr Martin. Will you be specific? Ask me one question at a time. Go back to it. Come on, I cannot answer that. You made a political speech. I want the questions one at a time and I will respond.

**Mr Martin:** I do not want to get into a debate with you.

**Mr Mavrinac:** I am not getting into a debate. You asked me to answer a question and I cannot answer six questions. One at a time.

**Mr Martin:** I asked you two questions. If you cannot handle two at a time—

**The Chair:** Mr Martin, I suggest that you just read the question out and allow the mayor to respond.

**Mrs Marland:** That's pretty insulting. You don't insult deputants, Mr Martin.

**The Chair:** Order, please. Mrs Marland, you are out of order. Mr Martin, please read the question so that the mayor can respond.

**Mr Martin:** The first question is, were you at the table when this deal was cut?

**Mr Mavrinac:** At what table when what deal was cut?

**Mr Martin:** When Metro and Notre decided that Kirkland Lake would get a tipping fee of \$1.80 per tonne versus the \$150 that Metro is now collecting for every tonne of garbage put into the existing dumps it has.

**Mr Mavrinac:** I think the agreement reads \$1.10 per tonne.

**Mr Martin:** Okay, \$1.10 per tonne.

**Mr Mavrinac:** Yes, we negotiated. I tried to get much more than that. But if you really knew the background of this whole agreement, Mr Martin, there were many components in this deal, not just Notre Development, Kirkland Lake, Englehart and Larder Lake. There was the rail component, and that had to be taken into consideration. This deal is a \$1-billion economic benefit for our communities, \$400 million going to the communities and \$600 million to the rail component. That naturally had to be taken into account in terms of the amount of money we could have asked for. Dofasco was involved in the whole matter. I cannot respond to that. I am sure Mr Ferguson could respond to that. If we had had an opportunity to meet with your government and Mrs Grier on this specific matter, you



would have had every insight on every matter that was in that agreement and have had all the answers. You would not be asking me for them today.

**Mr Martin:** The second—

**The Chair:** Thank you very much. Mrs Marland, you have the floor.

**Mr Martin:** Do you want to hear the rest of my question?

**Mrs Marland:** Mayor Mavrinac, I fully appreciate now how important it was for this committee to come to this community today. As my colleague the critic for the Environment for our party, Mr Cousens, said so well, we would not be here except that he fought for it. I would like to ask you how you feel about the fact that Mrs Grier, the Minister of the Environment and the proponent of this bill, has not visited the Adams mine site.

0950

**Mr Mavrinac:** The proponent?

**Mrs Marland:** As the Minister of the Environment and minister responsible for the greater Toronto area, it is her bill. How do you feel about the fact that she has not yet visited the Adams mine site?

**Mr Mavrinac:** Completely frustrated, because we have asked her on any number of occasions. Not only Ruth Grier. As the first vice-president of AMO, I come in contact with the Premier. The first time was at the convention centre in Toronto. Right after he made his presentation to the AMO delegates, I went right up on the stage. I said: "Please, Premier, come to Kirkland Lake. We want to discuss this matter."

I am on the steering committee for disentanglement and I am probably going to be sitting across the table from Ruth Grier next Thursday night in Toronto. Probably we will be meeting the Premier again. I think Bob Gray must have alluded to that yesterday, because he had talked to Mrs Grier after one of our consultation meetings, after one of our executive meetings. We asked her to come to Kirkland Lake. "Let's look at this agreement. Let's talk about it. Let's evaluate it." She has not done that. We feel terrible about it.

**Mr Ramsay:** I would like to congratulate the presenters—

**Mr Mavrinac:** Why do you not ask—

**Mr Ramsay:** Joe, you do not know where the questions are coming from right now. Just hold on.

I would like to congratulate the presenters today for a very sound presentation and the committee for making the decision to come to Kirkland Lake. I think this is a very important exercise. We are going to hear both sides of the argument from well-prepared presenters all day today. I think this is a great exercise. Sometimes, as you can see, it gets a bit soap opera-ish and a bit partisan, but that is part of the process and that is okay. We are here today to get some facts out. Of course it is not as good as a full environmental assessment, but it is a start and we will see what happens.

One fact that is interesting when we talk about the composting material that would result from this project is

that the Ministry of Agriculture and Food would not allow the material that would come from city of Toronto compost to go on food-producing land. We could do a lot of good with that material up here on land that has been decimated by mining slimes. I think that is one positive aspect.

Every time we get presenters coming up, and I am going to ask the other side this today, they always want to narrow in on the referendum question that was asked, saying that somehow that question was insufficient to get a true reading of the people.

**The Chair:** Question.

**Mr Ramsay:** Do you feel that the question asked in Kirkland Lake gives a true reading of the feeling of the people in Kirkland Lake?

**Mr Mavrinac:** I think I have answered that already. How could you possibly make an informed decision if you did not have an environmental assessment of the matter?

**Mr Wiseman:** I am going to try to make a quick comment. As the only person sitting in this room who has had the negative experience of having not one but two Metro dumps in his riding, I can probably give you a better perspective on what it means to the community than anybody here. We have had a landfill site on the border of Pickering, right on the border at Beare Road, with some 18 million tonnes of garbage and prevailing winds over my community. We have currently in Brock West, according to Metro's own engineers, the worst landfill site they have ever seen. We also have in Brock North 143,000 tonnes leaching into pits. It has to be collected on a daily basis. Not only did they want to put in more garbage; they wanted to open up Brock South and P1 without a full environmental assessment hearing.

This brings me to the question of "willing host." Pickering was a willing host because the Durham regional government said that Pickering was a willing host. Pickering was not a willing host. If anybody would like to pursue that with me, I think that would be a very interesting discussion. When you define "willing host," what exactly do you mean? You have an unorganized township that did not involve itself in the referendum. When you are asking me this, when I hear this, when it comes down to defining a willing host, I bring my own history to the table.

**The Chair:** We have approximately six minutes remaining. Two members have asked to place questions. If it is all right with the delegation, I am going to ask them to place their question very briefly. Then you will have about five minutes remaining, either to answer their questions, if you wish, or to sum up.

**Mr Sola:** From the three briefs, I see that the majority of elected officials in the three townships are all proponents of the Adams mine site. Was any opponent of the Adams mine site elected to office in any of the three areas?

**Mr Bisson:** In the presentation, one of the things that was alluded to was the question that we should take as a model the consultation process that happened here in Kirkland Lake and throughout the region on this whole issue. I would like to have an explanation, maybe from the presenters here, why letters were sent to municipal welfare

recipients on this issue about having to be here, why people who do not support this bill are not allowed to park in front of the Bon Air Motor Inn and why the police, quite frankly, are at the door. In my experience I have yet to see the police at a hearing like this in a community. If we are talking about an open process, I would like to know if you can tell me that, because if we did that kind of stuff on the government side, I think we would be rightfully accused of not really wanting to listen.

**The Chair:** You have approximately six minutes. You can respond to whichever questions you would like, plus make your summation.

**Mr Mavrinac:** Mr Wiseman, Pickering and Durham are totally different situations. I addressed the matter of a host region or municipality. I will take it one step further. In the election of September 1990 your party was totally and absolutely opposed. This gave everybody in the riding of Timiskaming an opportunity. Your party was totally opposed to the Adams mine site. It was a political issue. The Green Party got 700 votes. I do not have to tell you that they were opposed. The person who got re-elected was the individual who said the same thing that is in this brief. We want an environmental assessment done at the Adams mine. That may give you an indication that we do have that willingness to make sure this is evaluated.

Now, Mr Bisson, as to the matter of the rally, this is a community project. Who is that letter signed by? I have not seen it.

**Mr Bisson:** It is the chairman of the rally committee.

**Mr Mavrinac:** Mr Folusewych has done a tremendous job on that rally.

**Mr Bisson:** Also the administrator of the social services department, I think, Mr John—I cannot read the last name. It is oversigned.

**Mr Mavrinac:** So he is inviting the unemployed to come to a rally.

**Mr Bisson:** Excuse me. It is a letter on the letterhead of the municipality of Kirkland Lake inviting welfare recipients of this municipality to come here in support of the position of the municipality.

**Mr Mavrinac:** I will have to look into that, but I have seen political parties of the provincial persuasion and the federal persuasion write letters on different letterheads. I am not too overly concerned about that. What was the next question?

**Mr Bisson:** I was very concerned about it.

**Mr Mavrinac:** I am concerned about it because I have not seen it, and I will look into it.

**The Chair:** There was Mr Sola's question, which was the number of people who had—

**Mrs Thompson:** The three people who ran lost. The three people who ran in the election on a slate of nine who were opposed were defeated and this was after a community evening to meet the candidates and many open council meetings. We had lots of opportunities for people to state their mind.

**Mr Mavrinac:** In Kirkland Lake, out of the seven to be elected, one, Councillor Sue Gamble, is with us today. She totally opposed the shipment of garbage to the Adams mine site and was elected. Out of seven, one was elected.

**The Chair:** I suggest that you complete your presentation.

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**Mr Mavrinac:** The proposed amendment to Bill 143: In completing our presentation, we wish to build on the recommendation put forth by Metro Toronto during its presentation that the Adams mine become part of the site search for new landfills within the York-Metro region. We propose this amendment based on the overwhelming community and municipal support, plus the technical data available, which show the Adams mine site may be a great economic and environmental benefit to this province. We suggest that paragraph 12(1)3 has the following added as an amendment:

"Whereas the municipality of Metropolitan Toronto has obtained a proposed site for the disposal of solid waste and has obtained cooperative agreements from the accepting host municipalities; now therefore, the Adams mine site shall be included within the designated primary service area for the regional municipality of York and/or Metropolitan Toronto, as defined by Bill 143, with final approval of all agreements being required by the Ontario Municipal Board."

In conclusion, on Saturday, February 17, Terence Corcoran, business analyst for the Globe and Mail, wrote an information article on the entire situation regarding this bill, our partnership with Metro and the validity of our concerns with this government. He stated:

"The Kirkland Lake situation should be seen as more than just another political squabble between levels of government. Kirkland Lake should be seen as a symbol of important and fundamental political and economic issues."

Let me assure this committee that if this bill is not amended to provide the north with its democratic rights, the people of the north, municipal leaders at this table and elsewhere, will ensure that Kirkland Lake and the Adams mine becomes a lasting symbol of Ruth Grier, Shelley Martel and the NDP for its neglect, its insensitivity and its disregard for the quality of life of the people of Ontario. Thank you very much, Madam Chair.

**The Chair:** Thank you, mayor and reeves. We appreciate your appearing before us today.

There was one issue raised that I would like to clarify for all members here and that is the issue of security at this meeting. It is the responsibility of the clerk of the committee to ensure that the meetings are conducted and that there is proper security in place. The staffs of all three caucuses were notified of what she felt were appropriate safety precautions, in light of the fact that there had been some suggestions and people phoning in about numbers of people who might want access to the room. It was primarily for crowd control and safety purposes and it was a decision made by Ms Mellor, the clerk of the committee. That is the answer to your question, Mr Bisson, and your caucus was informed.



NORTHEASTERN ONTARIO  
MUNICIPALITIES ACTION GROUP

**The Chair:** I would like to call next the Northeastern Ontario Municipalities Action Group. I ask that you come forward and begin your presentation by introducing yourselves to the committee members. You have 20 minutes for your presentation and we would ask you if you would leave a few minutes at the end for questions from the committee members.

I am going to call order while the delegations are changing. We are on a very tight time schedule. We want to make sure everyone has the opportunity to be heard and that the committee runs on time. Order, please. Anyone who is leaving, please do so quietly.

Welcome. I see a few familiar faces. Would you please begin your presentation now.

**Mr Power:** First I will introduce the people with me. Mr Charles Caldwell is the mayor of New Liskeard. Mr David Hughes is the mayor of Cochrane and vice-chairman of our group. Mayor Mavrinac needs no introduction, and Stan Lawlor is mayor of the city of North Bay. My name is Vic Power. I am mayor of the city of Timmins and chairman of the northeastern Ontario mayors' action group.

We thank you, Madam Chair, for this opportunity. Certainly it is not often the north has the opportunity to make presentations at home on major issues such as Bill 143. The Northeastern Ontario Municipalities Action Group welcomes all of you to the north.

Our organization has played a pivotal role in northeastern Ontario for many years. Founded in 1972, with an initial mandate to address transportation issues, we have been a constructive and positive factor with every provincial government regarding legislation affecting northeastern Ontario over the past 20 years.

We represent 40 communities and the 250,000 people who live in those communities on the Highway 11 corridor from North Bay to Hearst. I believe we accurately reflect a consensus on important issues facing our region of northern Ontario and we feel it is very important that the government recognizes this consensus because it has been arrived at after mutual discussion and consultation. Our organization, over these past 20 years, through a succession of municipal leaders in the Highway 11 corridor, has worked closely with the provincial government to effect positive developments for northern Ontario.

The Northeastern Ontario Municipalities Action Group was instrumental in the establishment of the original Northern Affairs Ministry, now the Ministry of Northern Development, the northern Ontario support grant, the air ambulance system and air service to the north with NorOntair. These are all major factors which affect the current economic and social fabric of the north.

Our executive committee is comprised of the mayors from North Bay, New Liskeard, Kirkland Lake, Iroquois Falls, Timmins, Kapuskasing, Cochrane and Hearst. In 1989, a major conference called Northern Vision was held in North Bay. It was sponsored by the Ministry of Northern Development, organized by the centre of entrepreneurship at Canadore College and Nipissing University and hosted by the city of North Bay. Over 150 delegates at-

tended. The theme of the conference was An Invitation to Action: Economic Development of the Highway 11 Corridor. Delegates from business, municipalities and government met. Guest speakers attended from many areas, including Canada, the United States, the United Kingdom and Kuwait.

The conference recognized that the Highway 11 corridor was a realistic region upon which to focus an intensified economic development effort. The mayors' action group assumed the primary leadership for this intensified effort and, in partnership, supports economic development for all areas of northeastern Ontario. It is with this background that the mayors' action group comes before you today with our deep concerns with Bill 143 and the limitations which it will place on northern growth.

In our limited time today, we feel it unnecessary to address in further detail the real and deep concerns which have been expressed about Bill 143 by the Association of Municipalities of Ontario, whose membership includes all of our communities, and by the Federation of Northern Ontario Municipalities, represented by Mr Bob Gray, in Sudbury yesterday.

Most important today, we feel it is of paramount importance to have this committee, especially the government members, the Minister of the Environment, the Minister of Northern Development and the Premier of this province recognize the efforts by northern communities to diversify. These efforts to create new economic development opportunities must be evaluated, must be examined and must be supported if our northern communities are to have any opportunity to reverse the severe economic downturn facing all of northern Ontario.

The reason all of our municipalities in the Northeastern Ontario Municipalities Action Group support the efforts of Kirkland Lake, Englehart and Larder Lake in trying to diversify is that we recognize in the north that governments cannot provide all of the answers to our problems. We cannot rely on them to be responsible for providing new industries, new jobs and new wealth. As my colleague Mayor Stan Lawlor stated at the Vision North conference, "We all have to work together, as a team, in partnership for our mutual benefit."

Recent efforts by the government in Kapuskasing were excellent. However, this cannot be the standard by which we expect progress in the north, because even that was an effort to save existing jobs. It is irrefutable that our traditional northern resource-based industries of forestry and mining are in serious decline. Bill 143 will have serious impact on the north if it becomes legislation without amendments. While the north supports the sections dealing with waste reduction and recycling, in general terms these directives can have far different implications for the north than they would for the populated areas of the greater Toronto area.

Specifically, the minister has recently made an announcement that all communities over 5,000 must provide a blue box system. Our small population density in the north guarantees that at no time will a blue box system ever generate sufficient tonnages to ensure economic opportunities in the north. In particular, as has been mentioned by the mayor of Kirkland Lake, all communities of northeastern

Ontario, using a 4% diversion factor for blue box programs, would generate less than 7,000 tonnes of product, all of which would have to be shipped to southern markets.

The ministry is currently conducting a study in Timiskaming and Cochrane districts on the implementation of a waste reduction program in our regions. This study will cost \$60,000 and it will be very interesting to see what the results will bring in terms of the impact on our communities regarding any economic development opportunities.

1010

It was a result of these and other factors that the mayors' action group passed the following resolution on March 4, 1991. I would like to share with you the reasons and the background to our resolution:

"That the Northeastern Ontario Municipalities Action Group does hereby support and endorse the efforts of Kirkland Lake, Englehart and Larder Lake in the establishment of recycling opportunities and solid waste disposal facility at the Adams mine site, subject to the following:

1. That a full environmental assessment be conducted: "The mayors of the north support fully the contention of Kirkland Lake, Englehart and Larder Lake that a full environmental assessment be conducted. Clearly, this is a long-term project and there should be public participation."

2. That a recycling plant is mandatory and can be used by other northern communities at reasonable cost: "We see a tremendous opportunity for all northeastern Ontario to utilize a major recycling or source separation facility to reduce our costs. Specifically, the volume of materials to be processed from the GTA of 120,000 tonnes could greatly assist the opportunity to retain our recyclables and use them to create economic opportunities.

"The fact that the agreements call for Metro Toronto to both construct and operate a plant for a period of 20 years is an outstanding opportunity for our communities in northeastern Ontario to participate more fully in 3Rs programs. The Ministry of the Environment's ongoing study should be examining the benefits of the Kirkland Lake-Metro Toronto agreements, not ignoring them."

I am greatly encouraged by what I have heard this morning from our mining industry and LAC Minerals that compost can be used in rehabilitation and I echo the mayor's comments that we should be given a chance to find markets up here before rejecting this opportunity.

3. That the Ontario Northland Railway play a major transportation role in the development with potential to assist other northern communities with solid waste and recycling projects in the future: "I see by the list of presenters that economic development officials from Timiskaming and North Bay will be speaking and I am sure this issue will be addressed. However, ever since this resolution was passed, more information regarding the failing financial health of the railways has become evident. If the government fails to ensure the financial health of this crown corporation, the north will be in even greater trouble than we are today."

4. That all the terms and conditions in the Metro Toronto agreement become a part of a licence to operate from the Ministry of the Environment: "As a group, we applaud

the results of the work done by the councils and communities of Kirkland Lake, Englehart and Larder Lake in developing this potential partnership with Metro Toronto, the largest region of Canada. At a time when we see cities from Canada or the United States creating partnerships with cities in Europe or Russia to provide cultural or economic opportunities, these agreements are unique, they are fantastic and should be a model for cooperation and development within our own province."

The government, which has encouraged partnership, consultation and cooperation, should be holding these agreements up as an example of its philosophy, not denying the opportunity to see if they are feasible.

Finally, our resolution states, "That the provincial government make every effort to examine and support the efforts of northern communities to use solid waste (imported if necessary) as an opportunity for sustainable development in job creation in the north."

Bill 143 must not dictate to the north, to the Kirkland Lake area or to the private sector, that solid waste disposal and recycling opportunities must remain the exclusive domain of southern Ontario. We have shipped our natural resources south for years. If we want to import a resource called solid waste and can do it within the strictest environmental standards that the government mandates and have the support of our residents, as is the case in Kirkland Lake, this government should not legislate that the opportunity be denied to us.

The members of the government who are elected from northern Ontario have a responsibility to carry this message to the Minister of the Environment prior to passing this bill. If party politics is such a priority that you must support the philosophical position of the Environment minister to the detriment of new opportunities for the north, then the north is in very serious trouble during the next three years and beyond as such opportunities are lost without being fully examined to see whether they are positive or negative.

Our mayors attended the environmental assessment hearings on the expansion of the runway system at Pearson International Airport this month, a matter of serious concern to the north. In that case, we fought to ensure continued direct access to Pearson for our citizens and businesses. Bill 143 creates a situation where we are forced to fight our own provincial government to ensure access to new business and other economic development opportunities and a chance to use our traditional transportation system, the Ontario Northland Railway, in order to do it.

The Northeastern Ontario Municipalities Action Group sees two real concerns if Bill 143 is passed in its present form without amendment. The bill denies and restricts the rights of northern municipalities to investigate, develop and improve their economic and environmental future. It also denies an economic opportunity to the Ontario Northland Transportation Commission, one which will ensure the economic stability of the ONR for the next 20 years or longer.

We support fully the efforts of Kirkland Lake, Englehart, Larder Lake and Metro Toronto to develop a partnership



which we believe will be progressive for both the north and the south. We urge this government to fulfil the expectations which it gave the north when elected. The north was led to believe that it would have a stronger voice in government, a chance to call the shots.

We support the amendments to Bill 143 proposed by Kirkland Lake. Thank you for the opportunity to present this brief.

**Mr McClelland:** In the two minutes available, could one or all of you give us a brief but comprehensive review—I do not mean to be sarcastic; I recognize the limitations of time—of the potential economic impact of even moving in the direction of looking at this, relative to the downside implications of not even giving this proposal a hearing?

**Mr Power:** To start with, the Ontario Northland Railway is hurting. One of the reasons it is hurting is that the mines at Temagami have closed. Also the shipments from the paper product areas, such as Kapuskasing and Iroquois Falls, are down, so the Ontario Northland Railway is starting to bleed. This development in itself would be a big boon to the Ontario Northland Railway, which had counted on this, by the way.

**Mr Mavrincac:** You have lost 45% of your freight.

**Mr Power:** That is right. The Ontario Northland Railway has lost perhaps 45% of its freight business, and this cannot go on too much longer without everybody feeling the effects. That is one thing on the negative side as it is happening right now.

On the positive side, if there were a plant here in Kirkland Lake associated with the work that would be done at the Adams mine, it would be a tremendous boon to this area, and anything that helps Kirkland Lake helps Timmins, North Bay, Iroquois Falls, Kapuskasing, Hearst and Cochrane. We are a very sparsely settled part of the province, but we like to see economic opportunities develop in all our major municipalities. Certainly we are all dependent on each other.

**Mr Martin:** Once our government is finished cleaning up after the mess left by the previous government and once we get some of the fires put out that have been caused by the recession, we are really interested in working with you on a viable industrial strategy for the north. That industrial strategy will be built on as much control and ownership by those of us who live and breathe and eat in northern Ontario as possible. I would like Mr Mavrincac to share with you and us what control and ownership he will have, this community will have, over the operation proposed here for the Adams mine facility.

1020

**Mr Mavrincac:** We were absolutely adamant that the agreement we signed would be a long-term agreement so we can maximize the job opportunities. That was number one.

We were absolutely adamant that there would be no more than 1.5 million tonnes of solid waste shipped from Toronto over a period of 20 years. They were trying to get us to accept three to four million tonnes. You have to remember, Mr Martin, we were talking about the central pit and the south pit that you saw today. That represented a

capability of 40 million tonnes of waste deposited over 20 years. But there are northern pits. You have three or four up there. That aspect of it has not even been touched.

We were absolutely adamant that we would have a recycling plant built at that site so those economic benefits could be termed in jobs. We threw out a figure of about 150 jobs at the site and at the recycling plant. This is the commitment we had. It was an agreement. We had a say in what came to the Adams mine; we had a say in what was going to be recycled; we had a say in the amount of material that was going to come to that site. So yes, with that agreement in place, when it comes in place, and it will come in place one day, we have a lot to say about the Adams mine site.

**Mr Martin:** The question is, though, who owns it?

**Mr Cousens:** I have a question of the parliamentary assistant based on the sentence in the third-last paragraph. I am going to reverse it so it becomes a question. How does Bill 143 help people in northern Ontario to develop and improve their economic and environmental future? How does this bill, Bill 143, help the north?

**Mr O'Connor:** I am glad you raised it, because I am sure there are a lot of people here who probably have the same question. Bill 143, the Waste Management Act, is to deal with Metro's waste; it is not a bill to deal with the economic vitality of the north right now. That is something that needs to happen. There is no doubt about it that there are jobs that have been lost through the closure of the mine and what not, but this bill is on waste management within the GTA.

**Mrs Mathysen:** My question is of Mayor Power. You say your action group supports the establishment of a solid waste disposal facility at the Adams mine under a full environmental assessment. Since the EA act requires that all alternatives be taken into account, it is possible that Timmins might be found to be a more suitable site? Do you want a waste disposal site in Timmins, and have you consulted your constituents about having a waste disposal site in Timmins?

**Mr Power:** It is not an issue in Timmins, because what happened was that the Adams mine closed at Kirkland Lake a few years ago, and immediately upon its closing, Kirkland Lake, through the efforts of Mayor Mavrincac, took the initiative to see if it could make something out of that open pit. We do not have that facility available to us in Timmins right now, so it has never become an issue as far as this is concerned. If it were to become an issue there, of course we would support a full environmental assessment.

**Mr McClelland:** I want to put concurrently to both the parliamentary assistant and the deputants why waste, if we consider it to be a resource, and we have said that—and that is all part of our moving towards a conservator society and beginning to get our minds around that—is suddenly out of the equation in terms of economic development. I ask you if you can reconcile that, and if you cannot, perhaps the parliamentary assistant can reconcile the sudden change of stream here that suddenly waste is no longer a resource.

**Mr O'Connor:** Do we have time?

**The Chair:** No. We are on to the next presentation. I suggest that question be taken as notice to the ministry, and if you want to respond in writing at some future time, you can.

As I say to all the deputations that come forward, if there is additional information that you would like to share with the committee, please feel free to do so in writing at any time. Thank you very much.

#### CITY OF NORTH BAY

##### ONTARIO CHAMBER OF COMMERCE, DISTRICT 26

**The Chair:** I would like to call next the corporation of the city of North Bay. You have 20 minutes for your presentation. We ask you to leave a few minutes at the end for questions from committee members. Would you please begin your presentation now. Welcome, Mayor.

**Mr Lawlor:** Thank you, Madam Chair. It is indeed a pleasure to be here. Along with me, I have Steve Sajatovic, our director of planning and development and Mr Rick Evans, our manager of economic development, who will be speaking afterwards on behalf of the chamber of commerce group.

The council of the city of North Bay has passed two resolutions related to Bill 143. They are as follows:

"The city of North Bay requests that whereas northern Ontario is an economically depressed area; and whereas Rail Cycle North offers a tremendous economic stimulus for the northeastern corridor; and whereas the proposed mode of transportation is environmentally sound and proven in other areas; and whereas there exists an agreement between the partners of Rail Cycle North and the GTA, the council of the city of North Bay strongly supports the concept and the economic benefits to be derived from the project Rail Cycle North and strongly urges the Minister of the Environment to allow the evaluation of this alternative to proceed under the environmental assessment rules."

An earlier motion had indicated:

"That the council of the city of North Bay supports fully the presentation and remarks made by the Association of Municipalities of Ontario at the public hearings relating to the proposed Waste Management Act, 1991, and that a letter be sent to Ms Elinor Caplan advising her committee of council's support."

These two motions will be submitted as information to the committee.

Basically these resolutions point out that the Environmental Assessment Act, in force and effect for the rest of the province, should apply to the greater Toronto area as well. We support the submission of the region of York, which takes the position that parts II and III of Bill 143 as now written are anti-environment, anti-business, anti-scientific, anti-democratic and anti-civil liberty in nature.

This bill is fundamentally flawed and should be amended as follows before final passage:

1. The city of North Bay requests that this committee recommend to the provincial Legislature that part II of Bill 143 be amended to require that the Interim Waste Authority be fully subject to the Environmental Assessment Act; and

2. The city of North Bay requests that part III of the bill be amended so as to prevent the usurpation by the province of Ontario of important powers now held by local elected officials and to restore the requirement to comply with or adhere to existing legislation now in effect in the province.

We see solid waste as a resource, and in the last few years solid waste has been recognized as a very valuable resource with significant commercial potential. A wide variety of products are now produced from recycled materials, and research is ongoing to identify more opportunities in this regard. I might mention that Mr Evans is working with at least three prospects right now who are dealing in recycled materials. Composting, of course, is but another example of a process which produces a valuable resource from specific solid waste materials. Specifically, the handling, processing and disposal of solid waste can have a significant impact on the future economic development of the Highway 11 corridor municipalities.

I mentioned some of our economic development prospects in North Bay and the extent to which they are dependent upon recycled materials, and I should emphasize that we have attracted some of them as a result of our own efforts at recycling and our environmental programs within the city of North Bay. But if we are to be successful, we require ready access to an ongoing, large-volume supply of specific recycled materials. Business activities related to the recovery of materials from solid waste will help the north move up the technology ladder in an area which is in the forefront of new technology development.

A further positive aspect of creating business opportunities in the Highway 11 corridor related to the handling and processing of solid waste would see the existing rail infrastructure in the region used to transport this natural resource from the point of production in southern Ontario to the point of sorting and disposal in northern Ontario. This would help compensate for the setbacks encountered by the Ontario Northland Railway as a result of loss of freight loads as other primary sectors such as mining and logging have experienced downturns. The city strongly supports the efforts of Canadian Auto Workers, Local 103, northern Ontario, in its effort to protect existing jobs and to see new jobs created at the Ontario Northland Railway.

I should emphasize that these jobs are not only on the running crews; these jobs are very significantly in the shops and in the yards at Ontario Northland, where we have already experienced a number of layoffs, and if we do not soon get some activity, we are looking forward to even more.

My understanding is, by the way, that because Ontario Northland is a provincial crown corporation, it has been instructed to stay out of this process. Obviously, I think that is very unfortunate, because they could add some tremendous dimensions to this process that we are involved in here.

As a final point, a centre for research and development of technologies and processes related to solid waste handling, processing and disposal has the potential for making the province generally, and northern Ontario specifically, a leader in this field. This could have a further significant



positive impact on the post-secondary education institutions in the region.

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Contrary to the Environmental Assessment Act, part II of the bill excludes the IWA from the need to consider alternatives or to state a rationale for its undertakings. Furthermore, the bill specifically prohibits consideration of incineration or export of solid waste from the GTA as alternatives to be examined. The examination of these specific alternatives, and any alternatives for that matter, are excluded for no apparent scientific or other logical reason.

The EAA attempts to provide optimal solutions to environmental problems. It deals with facts, realities and rights. It attempts to settle conflicting interests fairly. The environmental assessment process may show that a waste disposal site and processing methods outside the GTA are superior in every respect to those sites legislated to be established within the GTA. Bill 143 should therefore be amended to make the IWA fully subject to the requirements of the EAA.

The city of North Bay has been looking for a new landfill site itself under the EAA process for several years now. Notwithstanding the urgency, the time, the expense, the occasional frustration, the burdensome and onerous requirements, we still recognize the value of the process, as opposed to the lack of protection and the political solution which has been legislated in Bill 143. The residents of the GTA deserve the protections and the process set out in the EAA. The situation in the GTA is not so urgent that due process and natural justice can be ignored.

Parts II and III of Bill 143, as currently written, would place any undertaking of the Interim Waste Authority above the requirements of any law except Bill 143. The legal rights of citizens and municipalities under current statutes and legal agreements would be totally ignored. Bill 143 should therefore be amended to restore continued adherence to these legal rights and requirements.

In conclusion, the city of North Bay requests that this committee recommend to the provincial Legislative Assembly that Bill 143 be amended, or withdrawn for that matter, for the reasons set out in this brief.

We support the host communities, the Association of Municipalities of Ontario, the Federation of Northern Ontario Municipalities, the mayors' action group and all the other groups, agencies, unions and individuals who believe that Bill 143 is detrimental to the interest of both the greater Toronto area and the many communities in the north which could benefit economically by assisting in solving Toronto's solid waste problem.

Madam Chair, I feel that there is nothing to fear but fear itself. If the process is allowed to proceed under the Environmental Assessment Act, and the site or the process of getting the waste materials there is found to be faulty or problematic environmentally, it will not be improved. Bill 143 precludes that opportunity. We insist that in fairness to all concerned Bill 143 should either be amended or withdrawn. Thank you.

**The Chair:** Thank you for your presentation. Mr Bisson, we have in total eight minutes. I will be very tight on time with everyone.

**Mr Bisson:** My question is quite quick. I take it that your municipality, like Kirkland Lake and any other municipality in northern Ontario, expends a lot of time trying to incorporate tourism as part of its economic development plan. Is that correct?

**Mr Lawlor:** Tourism is part of our process. But I will tell you something, Mr Bisson, since you asked. There is a big to-do made about tourism, and if you want us to survive on the business from sending canoeists and providing guides for them between the fly season in the spring and when the snow flies in the fall, then you have really got a problem for what we consider to be economic development and success in the north.

Interjection.

**The Chair:** Order.

**Mr Lawlor:** If that is your version of our success, I do not see it that way.

**Mr Bisson:** I thank you for your comment. I see it is well received. I know that in my community, as much as any other, economic development strategies include tourism. My question to you is, quite frankly, what kind of image would transporting garbage into northern Ontario have on the tourism industry and would you see it affecting that industry? I tend to differ—

**The Chair:** Thank you, Mr Bisson. That is your question.

**Mr Bisson:** One second. I tend to differ on one question, because the point is that you demean the tourism industry in northern Ontario, and I do not think that is well accepted by the people in the tourism industry of northern Ontario.

**Mr Lawlor:** Mr Bisson, when you talk like that—when it is convenient you use the term “garbage” and when it is not convenient you use the term “solid waste.” We see solid waste as a resource and we propose here to develop it as a solid resource with its full economic potential under the provisions of the Environmental Assessment Act.

**Mr Cousens:** I want to thank you for your presentation. I think you have opened up one startling fact for consideration today, that is, that the New Democrats have compromised these hearings by prohibiting the Ontario Northland Railway from making a presentation. If that is true, I think we have suddenly realized that this government, which claims it is going to have open consultation, has in some sense destroyed that very process. I want to ask a question of the parliamentary assistant, for answering later, whether or not the government did preclude the railway's presentation at these hearings. If that is the case, I would like to know at the earliest possible date.

**The Chair:** That is noted.

**Mr Lawlor:** Can I comment on that, Madam Chair?

**Mr Cousens:** I wish you would comment, because they are not going to answer for ever.

**The Chair:** Yes, you may comment.

**Mr Lawlor:** Mr Peter Dymont, the general manager of the Ontario Northland Transportation Commission, is the most dynamic, aggressive person I have seen in terms of development of the north. The Timiskaming and Northern Ontario Railway, which started out as Ontario's development road, has been brought into a modern corporation to lead us into the 21st century. It has become very diversified, but at no point has Mr Dymont lost the recognition of the importance of rail infrastructure and rail operations in the north. His involvement in this process has been muzzled as a result of instructions that they should not become involved in advocating.

**Mr McClelland:** You are right that it certainly is a bill that precludes an honest, open and fair process and hearing. I would say it is indeed undemocratic in the most extreme sense. Mr Cousens noted the same thing, that Ontario Northland Railway has been precluded from participating. That responsibility, of course, falls on the Minister of Northern Development, the same minister who refuses to have an opportunity to sit down and meet with you. Perhaps at the end of this, she will simply tell you she is sorry, but she does not have time. That seems to be sufficient these days in any event for anything that is done or not done, just a simple apology.

Perhaps you or Mr Evans would speak to this. We have heard some comments about the convenient switch between "resource" and "garbage." It is a resource when it is convenient and it is garbage when it is not. As a member of the Ontario Chamber of Commerce you are looking at some long-term diversification, and I want to ask you very pointedly, what kind of message in terms of overall economic development this is sending to the business community and potential investors in and around the north.

**Mr Evans:** I think the most damaging message that is sent out is one of inconsistency. I come from a business background myself and it is important for the business community to know exactly what the rules of the game are. If you continually change the rules or they have no clear sense of exactly where they are, it makes it very difficult to secure investment, either from your local investment base, which is a prime source of our growth, or from external investors.

There is one point I would like to make though. There has been a lot of focus on the economics of the project here and I think that detracts from what we are really about, that is, we want to see the environmental assessment done. We do not want to usurp due diligence. With all respect to your question, I would like to try to keep the focus as much as we can on the environmental aspects of this, because I think that is where the crux of it is.

**Mr Lawlor:** Madam Chair, recognizing the importance of time—and Mr Evans does have a presentation which I gather is part of the North Bay presentation—might I ask him to summarize his comments and then we could deal with any further questions?

**The Chair:** By all means. You have the floor.

**Mr Wiseman:** Madam Chair—

**The Chair:** Excuse me, we completed one round. This time is available for the deputants. It is theirs to use. I

rule that they can make their presentation, and as time permits, we will then have additional questions, but we have had one question from each of the caucuses. Please make your presentation.

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**Mr Evans:** Thank you very much, Madam Chair. You will find circulated a copy of the submission I prepared on behalf of District 26 of the Ontario Chamber of Commerce.

Thank you again for allowing me this opportunity to present my views regarding concerns, specifically on part II, waste disposal sites, and in particular, clause 14(1)(a), as well as clause 14(2)(a), which states: "an alternative of waste reduction or reuse or recycling if that alternative would involve incineration of waste or"—specifically—"the transportation of waste from the primary service area to any other area."

This aspect of the legislation imparts a flawed due diligence to the environmental assessment process to the detriment of those communities both directly and indirectly affected by the outcome, as well as to the very environment itself which we are attempting to safeguard. This given the possibility that external site options could well be more hydrogeologically suitable.

While I wear many hats, including that of manager of the economic development division in the city of North Bay and director of the Economic Developers Association of Canada, which is the national association for our profession, I appear today as a director of the Ontario Chamber of Commerce, representing District 26.

Since it is apparent from my background that I have a pro-development bias, I think it is essential to qualify our position. Our role in economic development is best expressed as follows: to increase the municipal taxation base by encouraging expansion of local investment and soliciting external investment of a compatible nature; to stabilize or expand our population base by encouraging creation of quality job opportunities to prevent outward migration, particularly of youth, and attract influx of intellectual capital, and to achieve these objectives cost-effectively.

However, as can be seen from appendix 1, in North Bay we are strong advocates of sustained development, drawing on the Brundtland commission's definition as "development that meets the needs of the present without compromising the ability of future generations to meet their own needs." My intent is to present a non-parochial, balanced viewpoint on this issue. Environmental solutions can be directly related to economic benefits.

On November 22, 1992, the Honourable Bernard Valcourt, the federal Minister of Employment and Immigration, announced funding for initiatives to examine human resource issues in the environment industry. He indicated that, "The environmental sector is emerging as an industry with tremendous growth potential. We must ensure an adequately trained workforce to permit the industry to achieve its potential." That is included in appendix 2. I suggest to you that this proposed legislation is at cross-purposes with this direction.

In December 1991, the Honourable Shelley Martel, Minister of Northern Development and Mines, announced



the introduction of SCAN North, Strategic Consultation and Action Now, to replace the northern development councils. Its mandate is to assist the province through public input in developing a new economic strategy for northern Ontario. Of the five areas to be considered by the task force, we find, "Waste management and recycling markets and manufacturing opportunities." That is included again in appendix 3.

However, the minister made it clear that the Rail Cycle North development proposal to develop a waste recycling facility at the Adams mine site would not be considered. Projects such as the expansion of the blue box program to communities such as Elliot Lake would be deemed more suitable. One would deduce from this that the strategic planning development process is already biased and the flaws are self-evident. In one instance the province takes a position to impede the due diligence necessary to determine the viability of one project, while in another it promotes an uneconomical new program for a municipality that is already reeling from major economic setbacks.

We know the five twelfths capital cost contributions from OMMRI are now in question and the ongoing operating costs of the blue box program would further burden that city's tax base. Further concerns are the philosophical inconsistencies depicted here. The Minister of the Environment is adamant that garbage problems must be resolved at their source, yet the blue box program does not do that. The primary source of problems addressed by this OMMRI-sponsored program is the packaging process itself, which in a perfect world would see conversion to biodegradable containers.

Please understand that I am not opposed to the blue box program. I think it best illustrates those compromises necessary to balance environmental and economic concerns. However, I am opposed to inconsistent philosophical positions that prevent us from operating on a level playing field.

**The Chair:** Thank you very much for your presentation. If there is additional information you would like to share with the committee, you may do so in writing. We appreciate your coming this morning.

**Mr Bisson:** Can I just ask, for the benefit of the committee and other people, that we get the presentations on the record before questions.

**The Chair:** The normal procedure for the committee, for all those who are watching, it is up to the deputants how they wish to use their time. Usually they will make their presentation first. There are then questions and then they can request some time for summation at the end. That is usual.

However, there is nothing wrong, inconsistent or improper if a deputant wishes to make a presentation, allow some time for questions and then make a further presentation. It is also perfectly acceptable for a deputation to use the entire 20 minutes of its time and not have any questions at all. We would ask, however, that you submit whatever you have in writing and it will become part of the public record.

**Mr Evans:** We will do that, Madam Chair.

**The Chair:** Thank you very much. We appreciate that.

#### COMMITTEE FOR A FAIR AND CORROBORATED TRUE STUDY

**The Chair:** I will call next the FACTS committee. Please come forward and introduce yourself for the record. Relax, speak right into the microphone. You have 20 minutes for your presentation. We ask if you would leave a few minutes for questions. However, that is your prerogative. I understand there will be two presentations, so if you want to, proceed with one and then the other. Please begin your presentations now.

**Mr Duncan:** First of all, I would like to thank you on behalf of the FACTS committee for this opportunity to present our brief. I am an analytical chemist who has resided in the Kirkland Lake area for the last 22 years. I am the founder president of Accurassay Laboratories, which operates the largest network of environmental and mineral analysis laboratories in northern Ontario through its four locations in Kirkland Lake, Thunder Bay, Red Lake and Timmins.

I have a BSc degree in applied chemistry from the University of Glasgow and a master's and doctorate in analytical chemistry from the University of Salford in England. I am a former lecturer in analytical chemistry at Manchester Polytechnic and a professor in chemistry at Northern College here in Kirkland Lake. I am also a chartered chemist in the province of Ontario and in the United Kingdom. Accurassay is now a division of Barringer Laboratories Ltd of Mississauga and I am vice-president of northern services for that company. John Merrell will now introduce himself.

**Mr Merrell:** I have lived in the Kirkland Lake area for 47 years, 30 of which have been as an employee working in a management capacity at the Adams mine site. My remarks to you are not only as a member of the FACTS committee, but also as a concerned citizen of this province who knows the Adams mine, having had human resources and environmental management responsibilities, with the background of a bachelor of science degree in geological engineering, since the mine began in 1962. I am presently co-chairman of the Adams mine employees joint adjustment committee.

I have followed and studied the activity associated with the proposal for a solid waste recycling and disposable facility at the Adams mine since it was first described to the employees at the mine and to the various groups in the host communities in November 1989. Since that time, I have attended presentations by various interest groups and have met with the professionals and others who have been examining and evaluating the potential of the site from an environmental assessment perspective.

**Mr Duncan:** The FACTS committee is the Committee for a Fair and Corroborated True Study of the Adams mine proposal. This committee was established in January 1991 after a meeting of some 100 area residents who were concerned that the Minister of the Environment, Ruth Grier, had dismissed the Adams mine proposals for reasons which we felt showed a serious lack of understanding of what the proposal was all about and a profound lack of

appreciation of the people in this region, who do not see themselves as the remote northern community she seems to think we are. Membership on our committee is drawn from several areas in our community, including some who were at one time part of the opposition group REEPA, the Responsible Environmental and Economic Prosperity Association. We have members who are businessmen, church ministers, teachers, nurses and so on.

I was elected chairman of the committee and immediately set about contacting the Minister of the Environment to try and set up a meeting with her, especially in view of her decision to allow a delegation from two local opposition groups to attend closed-session discussions on this issue—the LURA Group meetings.

Despite numerous letters to the minister explaining our concerns about the distortions and false accusations that were being made to her by the opposition groups, we were completely ignored. Almost all other political people we wrote to at least acknowledged our correspondence, but not so of the Minister of the Environment, at least not until I laid a complaint with the Office of the Ombudsman, after which we did receive a two-page response, the first page of which was a form letter and the second a terse paragraph which simply indicated she knew we would be disappointed.

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One of our supporters did, however, write to the minister asking her to give the Adams mine proposal a full environmental assessment and received what can only be described as the ultimate insult: a letter thanking him for his stated opposition to the environmental assessment of the Adams mine.

The Office of the Ombudsman has agreed to investigate our committee's complaint that the minister has refused to communicate with our committee and that she also may be in breach of the current Environmental Assessment Act, which calls for consideration of all reasonable alternatives. Indeed, we are left wondering if Bill 143 itself may not simply be an effort to circumvent the intent of the current act that all reasonable alternatives be given full consideration.

Prior to the municipal referendum, our committee prepared a brochure outlining whatever facts on the Adams mine proposal we had been able to ascertain. We also dealt with misleading information being spread by opponents, who used every opportunity to spread their warnings of dire consequences should this proposal ever get to an environmental assessment, though nowhere did they put forward any tangible evidence of these doomsday predictions, because they, just like us, do not have the information that only a full environmental assessment can give. The only reasonable argument against this proposal being studied through the environmental assessment process is a philosophical one, namely, that it would be unthinkable to bring Toronto's garbage north for recycling and containment. But the large majority of people in this community—69%—have a different philosophy, and we will not be ignored.

Why should it be unthinkable if it proves to be environmentally safe and of great economic benefit to this region? Why does Minister Grier seem to lecture us on our philos-

ophy of sending some of Toronto's garbage north in a sensible productive fashion to be recycled and safely disposed of, while at the same time she extolled what I call her gruesome philosophy, that is, Ruth Grier's "out of sight, out of mind" philosophy, which she says must take precedence over any other approach. No doubt this philosophical approach may gain her a PhD from the citizens of the GTA—piled higher and deeper.

If her real aim is to deal with the "out of sight, out of mind" mentality, then surely it would make sense to leave the garbage uncovered so that all the GTA residents could at least smell it, just to keep in their minds. If on the other hand garbage is, as she says, a resource, then why is it wrong for northern communities like ours to get a fair slice of the pie to make up for all the other resources we ship south?

As an environmental chemist operating the north's largest commercial analytical laboratory network, I am all too aware of the environmental issues facing us, but I am amazed at a government which refuses to consider all its options and is choosing to commit itself to further environmental damage, and probable political suicide, by forcing the residents of the largest, most densely populated area in the country to live on top of their garbage. It will be an interesting time indeed for this government when the list of sites is finally made known.

Finally, as a businessman, I am aware of the economic desert that our north country is becoming as we see old mines close and new mines thwarted by extremely tough environmental rules. The north's pulp and paper industries are also in decline due to the sudden switch to recycled paper and now the concern about banning bleached kraft paper in Europe. Added to that are the increased environmental restrictions, which prompted one manager to tell me that his plant now had zero emissions, which would make Ruth Grier a very happy person. They had just closed the doors the month before, laying off several hundred workers.

Is that the kind of price we in this community are being asked to pay for the minister's philosophical stance? And there is a price to pay. One of our FACTS committee members, and a very active supporter of the Adams mine proposal, whose business had just gone belly-up, was found dead in his car just a couple of months ago. I mention this simply to emphasize the seriousness of our economic woes in this region and that people's lives are indeed at stake in the decisions that this committee will make.

As a committee we are not asking that Toronto's garbage be sent to the Adams mine site. We are simply asking that this alternative be studied through the environmental assessment process. The Golder Associates' preliminary investigation, which was commissioned by Metro Toronto at a cost of \$1 million, clearly indicates that the Adams mine site could be the ideal location to safely handle the quantities of Metro garbage contemplated.

With me today is Mr John Merrell, a geological engineer who has worked at the Adams mine for 40 years and is eminently qualified to speak on the nature and history of the site. To my knowledge, no one who has appeared before this committee is as intimately associated with the details



of the mine site as he and no one is more qualified to speak from experience on this facility.

**Mr Merrell:** As a result of my years of living in this area, intimate association with the Adams mine, and my personal examination of the proposal, the details of the agreement between Metro Toronto and the host communities and the findings of the engineers and other consultants who have examined the proposal and the site, I can see no reason why the province of Ontario does not view the Adams mine site proposal as a highly desirable part of the solution to the garbage crisis and direct that a full environmental assessment of the proposed project should take place.

The Minister of the Environment's publicly espoused objections to date have been purely ideological and have not addressed the facts and merits relating to the proposed Adams mine project.

In the covering letter to its report following its preliminary onsite hydrological investigation of the Adams mine site during the summer and fall of 1990, a copy of which the clerk of the committee now has, the consulting engineering firm Golder Associates Ltd states in part:

"The results of the preliminary investigation have indicated that favourable conditions exist for the development of landfill(s) in the Adams mine open pits using the hydraulic containment concept.

"The low bulk hydraulic conductivity of the surrounding rock and the corresponding low groundwater influx favour this approach. The low hydraulic conductivity of the rock would limit containment migration under natural conditions but maintenance of a hydraulic sink would achieve full containment to enable onsite collection and treatment of leachate. Hydraulic containment is considered to be a proven method in waste management engineering.

"Based on the conclusions from the preliminary assessment, it is recommended that a full hydrogeological investigation and structural assessment of the Adams mine site and open pits be carried out to better assess their suitability for waste disposal and to provide a basis for EPA level design of the landfill(s) and associated facilities."

In plain terms, ladies and gentlemen, the water is rising in the pits. And they do hold water, to a depth now over 200 feet in the south pit and over 300 feet in the central pit.

A great deal of productive time and probably well over \$1 million have already been spent to date gathering information about and assessing the site, as well as obtaining some of the answers to the questions people of this area have been asking.

The elected councils in the host communities, the people of Kirkland Lake by formal ballot and the councils of other municipalities, are all in favour of proceeding with a full environmental assessment of the Adams mine recycling and waste disposal proposal. This may very well be the proposal that provides the citizens of northern Ontario with the safest and best option for resolving some of the GTA and northeastern Ontario solid waste management dilemma while at the same time saving this area from plunging deeper into economic and social mire.

The Adams mine, along with the Sherman mine at Temagami, was closed in 1990 and will never again oper-

ate as an iron ore mine. Hundreds of the people who lost their employment due to the mine closure, many of whom possess qualifications to work at the proposed project, remain without jobs to go to at a time when the rate of unemployment in the district of Timiskaming is estimated to be in the range of 40% to 50%. The Adams mine site, its infrastructure and the people of northeastern Ontario are too valuable to be abandoned by the proposed legislation without even an assessment of the economic and social merits of the proposal.

Some of the facts that relate to the Adams mine appear on the next page. I would just like to touch on some of those.

The nearest home or occupied building to the site is six kilometres away. The deepest lake in the area, which is known as Round Lake, is also six kilometres away from the site. It has a surface elevation of 900 feet. The deepest hole in the lake is 110 feet, which is an elevation of 790 feet above sea level.

The Adams mine south pit, which has a depth of 610 feet, has an elevation at the bottom of the pit of 510 feet, which is 280 feet below the deepest hole and the deepest lake, Round Lake. That groundwater inflow, by measurements from the consultant in August and September of 1990, was 42 gallons per minute. Putting this in perspective, that is 64,000 gallons a day. Kirkland Lake's sewage treatment plant is designed to handle a million gallons a day, so this is very small in comparison to what the town of Kirkland Lake processes in terms of its own sewage.

Just to give you an indication of what the Adams mine central pit is all about, it has a depth of 600 feet and an elevation at the bottom of 635 feet, or 155 feet below the bottom of Round Lake. It has a net groundwater inflow of 21 gallons a minute and had a water depth at that time of 310 feet. The term "bulk hydraulic conductivity" is mentioned in those facts, and that is the rate at which water would migrate through the types of rocks found at the Adams mine. That rate is less than 14 inches per year.

In conclusion, we ask that Bill 143 and the minister permit the Adams mine proposal to proceed as an option for full consideration.

**The Chair:** Thank you very much for an excellent presentation. We appreciate your coming before the committee this morning.

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#### COMMUNITY INVOLVEMENT ASSOCIATION

**The Chair:** I would like to call next the Community Involvement Association. Please come forward and introduce yourselves to the committee. We ask you to leave a few minutes at the end for questions, but that is entirely up to you. Would you begin by introducing yourselves.

**Mr Siemon:** Welcome to Kirkland Lake. In spite of some members' reluctance to come to our town, I am sure you will be treated with the same respect and concern that we expect from this committee today.

My name is Jack Siemon. I am a member of the Kirkland Lake Community Involvement Association. We have a membership of over 80 individuals who are committed to creating initiatives from within our community to find

new opportunities for economic and social development in these tough times. The formation of our group resulted from a breakfast meeting over two years ago where concerned senior business people challenged the younger individuals in the community to become more proactive in order to ensure the future stability of our community.

We are not a lobby group. We examine on a regular basis any positive economic opportunity and work with economic development officials of the region. During the past two years we have examined such initiatives as independent power production and data processing services. We have also initiated a committee to coordinate the various economic development groups of our area. We have closely followed the development of the Adams mine recycling and solid waste project, now designated Rail Cycle North. We have also been following the televised hearings of this committee in preparation for our presentation today.

Bill 143 cannot be allowed to proceed if it rules out the evaluation of the Adams mine project. It is clear to us and must be evident to the committee members that a majority of the presenters before your committee see the changes in the bill that would limit the evaluation of alternatives, in this case the Adams mine, as an absolute violation of our existing environmental rights.

It is very apparent to our community that the NDP government did not want these hearings to come to Kirkland Lake. Only pressure from the opposition parties from across the province has got you here. We have been insulted by the obstinate behaviour of the Minister of the Environment. She called our region a remote community, made statements about what she thought and refused to consult with anyone in the area except special-interest groups which reflect her philosophy. The Responsible Environmental and Economic Prosperity Association, REEPA, for example, is scheduled to give six or seven presentations today. It does not represent the majority of the citizens of Kirkland Lake; it does represent a small vocal minority steeped with ideology who have demonstrated little concern for the economic future of this region.

We find it appalling that the government members from northern Ontario, Mr Bisson, Shelley Martel and Mr Martin, a member of this committee, continue to make statements that the north will be the garbage dump for southern Ontario. This reflects a complete ignorance of the agreements our councils have been able to develop with Metro Toronto and an ignorance of the real opportunities this project could bring to this region.

Let me also make you aware that our group supports this project if, and only if, the environmental assessment process results in approval. We are not grasping at straws due to our tough economic times. We do care about our environment and will not do anything to jeopardize it. Ruth Grier and her supporters do not have a monopoly on a concern for the environment. We do not need Greenpeace or Pollution Probe in Toronto or Northwatch in North Bay to make our decisions for us. These people have never been to the Adams mine. None of them has ever approached our councils. They are not informed on this project; we are.

We admit we are not scientists. We are willing to take a commonsense approach to protecting our environment, creating jobs and revitalizing our rail system, and all this through a consensus approach. That is democracy.

This brings me to an important event which happened in our community, the recent referendum on November 12, 1991. Our group believes this vote was the most positive factor for this community which has occurred in years. It awakened the community. It drew more candidates for the election than at any other time that anyone can remember. It was debated openly and honestly. The proponent did not buy off the community. It made people investigate the issue and make a decision, and it was the right question.

It is absolutely false that we did not know what we were voting on, as was insinuated by Northwatch in Toronto. It is absolutely false that it was a non-question, as stated by John Epps, the defeated candidate for mayor. We were asked to decide if we wanted this project reviewed under the environmental assessment process so the residents could be assured it is environmentally acceptable. The statement that we should have been voting yes or no on whether to take Toronto's garbage is an irresponsible, simplistic statement. How are we to know if it is acceptable without the assessment? It was the right question; it was understood by the majority of the people; the opposition had made a strong case for its position, and the people decided. Some 69% said yes. I believe that is about 30% more than the popular vote that elected this government today.

Our group did not rush to embrace this project. We have been impressed by the continued efforts of our councils, the proponent and Metro Toronto to keep information coming over the past two years.

All of this brings me to the mandate of this committee. Are you here because you were forced to be here by the opposition or are you really here to listen, consult and report the truth to Mrs Grier and her government? Are you here to find the best environmental solutions to solid waste disposal and the best solutions to stimulating the 3Rs across the province, as this bill is supposed to do?

If you are here to find the real facts, you will find they are indisputable. The delegations you will hear supporting the environmental assessment represent concerned, informed taxpayers who care as deeply about our environment as any opposed. But they also care about the economy, new jobs and our future standard of living. Our group, a strong cross-section of this community, completed a poll of our members months before the municipal election. Some 95% were in favour of an environmental assessment.

Finally, before I ask Dr Brookfield to speak, I suggest that the NDP government members take the message to heart which this community is giving to you today. By appearing here, we are working to get back to work, not just to protest a flawed piece of legislation. The people of Larder Lake, Englehart, Kirkland Lake and surrounding regions need hope. We need hope that a responsible and commonsense approach will prevail over an arbitrary, ideological mindset; we need hope that concern for the people of this region will transcend partisan politics. Let's



have the responsibility. Let's have the intelligence. Let's have the integrity.

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**Dr Brookfield:** Madam Chair and members of the committee, I thank you for the opportunity to address the standing committee. My name is Dr Jim Brookfield. I am a doctor of dentistry in Kirkland Lake and have been a resident here for over 20 years. I was born here in the north. I am a past president of the Ontario Dental Association and have been deeply involved in government issues over the past 12 years.

I do appreciate the complexities involved in developing legislation, and in particular the need to build constructive consensus with all stakeholders. It is because of that deep concern on consultation that I asked to have a portion of Mr Siemon's time today to speak to this committee.

Bill 143 as drafted must not become legislation. I am in disbelief that the Minister of the Environment, who is also the minister responsible for the greater Toronto area, could even entertain the idea of introducing legislation of this magnitude in October and demanding it be passed by December without public input.

It is because of that original intent that I also question the integrity of the consensus-building statements of this minister and this government. I also question, as did Mr Siemon, whether the government is here in Kirkland Lake to honestly consult. I believe it is your job in this democracy, if it is still a democracy, to take this information to rewrite or improve the legislation.

As a professional practitioner in this community, I see our citizens on a day-to-day basis. I have deep concerns that this government is not aware of the realities and the need for new economic strategies for the north. With such a limited time, I cannot convey a message to this committee any better than the letter which was written back in April 1991 to Shelley Martel, Minister of Northern Development and Mines, by John Folusewych, administrator for social services in Kirkland Lake. I want this letter to become part of the record of these proceedings regarding solid waste proposal for the Adams mine project. I will read it:

"Dear Minister:

"We are writing with reference to the solid waste proposal of the Adams Mine site.

"The economy of Timiskaming, as you are aware, has been severely crippled, the direct result of mine closures and slowdowns in other resource-based industries.

"The social service budget for this municipality was exceeded by 33% in 1990. We anticipate 1991 to be worse than the previous year. Many previous employees of the Adams mine are now only becoming eligible for unemployment insurance benefits. With the new federal legislation governing unemployment insurance, they will be qualifying under a reduced benefit period. There are approximately 40 families whose unemployment insurance will be expiring in May 1991. These are employees at a local sawmill. These same 40 families would have an impact over a 12-month period of approximately \$480,000 on our budget.

"People who have worked regularly in excess of 20 years are relegated to standing in line at food banks and applying for social assistance. It is difficult to deal with a 50-year-old man who is sobbing in your office and telling you he only wants to work; he does not want welfare.

"These people are losing hope. Once their unemployment insurance benefits have been exhausted, they are left with no alternative but to apply for social assistance. In their views, they have hit the bottom of the barrel. People need hope. When there is no hope, it only breeds despair, which only increases costs across the social service spectrum. We all need something to look forward to. We all need goals. We all have dreams. Hope for the future is what we want.

"The financial costs are only secondary, as consideration must be given to the human cost of losing everything that has been worked for. These people need something to look forward to in their future, where they have an opportunity to once again enjoy a previous standard of living.

"The environmentalists have achieved their goal by blocking the environmental assessment process. I doubt if anyone would be in favour of this project if it was not environmentally sound.

"Government officials have always told us that in order to be fair and to do the best possible job, we must remain objective. I believe we have tried to remain objective. Will we be left wondering and speculating, 'What if?'"

That was almost a year ago. Things have gotten worse. Ask the volunteers at the food bank. Count the vacant storefronts downtown. Recognize despair at the churches. You tell the kids that there is no future in the north.

Your position in government regarding Bill 143 is seriously flawed. As is increasingly evident in the television hearings, the only support this bill is receiving on the issue of eliminating reasonable alternatives is from minority elements. Let me make it clear that we in this area are not dealing with the issue of incineration, only the portion of the bill which eliminates the movement of waste within the province. This is a provincial problem.

In Kirkland Lake and surrounding municipalities we are represented by municipal councils and by a democratic process, not fringe groups that spring up to oppose local initiatives before any true environmental assessment can be done.

Every municipality objects to the elimination of reasonable alternatives as required in part II. Every part of the private sector objects. Ordinary citizens attending your hearings object. I believe the majority of presenters are asking for the evaluation of Kirkland Lake or the Adams mine or the rail haul option or the northern option, whatever you want to call it. Can it possibly be that at the end of these hearings the NDP government and Mrs Grier will not understand reality?

This process is supposed to build consensus, provide input and build confidence in government. Elimination of the Adams mine option from consideration in this legislation goes against the fundamental safeguards now available in the Environmental Assessment Act.

Finally, it rejects a commonsense solution that may have positive environmental benefits for the north and the

south and reflects an opportunity to build on partnerships in the public and private sectors and to share provincial assets to create long-term sustainable development.

It is inconceivable that this government can pass this legislation which will reject a fair assessment. We need and are entitled to a fair assessment under existing regulations. How can the NDP government ignore our area, the north, when we have initiated a project that utilizes garbage as a resource, helps the north, helps the south, helps the rail system and helps the environment, and this with no government handouts but with self-initiative, which this government wants to squash.

I believe common sense will prevail. I look forward to the amended legislation. Thank you.

**The Chair:** We have approximately five minutes. I am going to be very tight on time: one question per questioner. Mrs Marland first.

**Mrs Marland:** I would like to congratulate you on an excellent presentation. You have both referred to the fact that the minister has met secretly with pro groups. I just wonder how you found that out and how you felt when you found that out?

**Dr Brookfield:** We found out through our municipal councils and through public media. We felt that we were being slighted again here in the north and we are not going to take it any more.

**Mr McClelland:** In terms of the comment in the letter that you read into the record, "The environmentalists have achieved their goal by blocking an environmental assessment process," I wonder if you would care to comment on the two-sided edge of that sword, if you will, inasmuch as you are not saying that you are necessarily speaking in favour of the project. You are speaking in favour of the consideration bearing in mind that, God forbid, one day I should come with a proposal totally contrary to what everybody in the community believed in, but under the terms of Bill 143 and the same kind of mindset I could dictate whatever I wanted to.

**Mr Siemon:** We in the north are very reasonable people. We also have a sense of desperation, but the reasonableness overrides the desperation. We have a concern for the environment. We are much closer to the environment than the people in the city. We are closer to the trees and the forests. We are more actively involved in the recreation of the environment. It is right at our back door here.

Obviously we are concerned. We have fishing, hunting and trapping. We are very concerned about the environment. We would do nothing to downplay that or to hurt it in any way and we find it very confusing that these lobby groups would almost suggest that we do not have a concern. We require a balance between concern for the environment and the economy in this country. We both have children who want to live in this community. We are not out to hurt anything. Let's give it a fair shake, a fair look, a reasonable, commonsense approach. That is what we want.

**Mr Martin:** First of all I just want to assure you that I sense your sincerity. I think you have laid out well the work that you have done in this community in coming together around the challenge that is in front of all of us

who live in northern Ontario as we look at an industrial sector that is falling apart. Indeed, the government has been active with many communities in trying to bring some alternative and to do some restructuring.

First of all, do you know that recycling and the moving of recyclable materials is not in any way inhibited by this legislation? Have you, in the Kirkland Lake area, looked at the issue of recycling outside of the garbage question and have you found that it makes any sense without that?

**Mr Siemon:** This community has looked at recycling. We are discovering the same situation Vaughan and York and everyone else discovered, that revenue versus the expenses is on a factor of ten to one. It is probably going to be worse in northern Ontario. We simply do not have the volume of recyclables. It does not work in these communities. We do not have the volume, we do not have the mass and we certainly do not have the money. We have looked at it and it has been found to be a terribly, terribly big weight on the shoulders of the municipal council in this region and very unaffordable at this point. That is one of the other benefits of having the Adams mine. We will get a free blue box program. We would be able to accept recyclables from all over the north.

**The Chair:** Question, Mr Sola. Actually, I am sorry. We are really out of time. We are not going to have time for another round.

Thank you very much for your presentation. We appreciate your coming before the committee this morning.

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#### RESPONSIBLE ENVIRONMENTAL AND ECONOMIC PROSPERITY ASSOCIATION

**The Chair:** Next I call REEPA. Please come forward and introduce yourselves for members of the committee. You have 20 minutes for your presentation. Please begin now. We would ask you to leave a few minutes for questions.

**Dr Durocher:** Thank you, Madam Chair and members of the standing committee, for allowing me to make my presentation today. My name is Dr William Durocher. I am a family physician in Kirkland Lake and president of the Responsible Environmental and Economic Prosperity Association. I would like to address the political process that has occurred in this community as it relates to the Adams mine solid waste project and some implications to Bill 143.

It is important that people from outside this community be aware of what has gone on in Kirkland Lake, as they will not get the full picture from the Toronto and Kirkland Lake media. It is important to appreciate the various outside influences that have played a role in this community. These include, for example, slick advertising and media campaigns by the promoter, lack of public consultation by Toronto politicians and statements by a Leader of the Opposition during our municipal election.

The sad part of this whole process to many residents of Kirkland Lake is how this community has been split by this issue, citizen against citizen. Much of this antagonism has been caused by misconceptions of this project, the Environmental Assessment Act and self-interest. This is not unexpected. There are large sums of money at stake for



the interested parties, mostly for Metro Toronto, the promoter, Dofasco, and with a carrot the promise of jobs for a vulnerable community.

To my knowledge, this project was first publicly presented by the promoter in the fall of 1989. I give Mr McGuinty full credit for bringing a slick presentation to whoever would listen. It appears, however, that Metro and Kirkland Lake had a different view of what the project entailed.

**Recycling:** In Kirkland Lake, we were repeatedly told the project would not go ahead without a recycling component. Initially recycling was to be 25%, which was consistent with the provincial guidelines at the time. When we finally did see the contract negotiated between Kirkland Lake, Larder Lake, Englehart and Metro Toronto—mind you, we were only allowed to see the contract as it was being signed—the recycling component had decreased to 8%. That 8%—section 5.7 of the contract, waste recycling plant—was “subject to compliance with any such recommendations as may be contained in SWEAP’s master plan document or documents for the management of Metro’s waste during the term.” In other words, the recycling was dependent on the solid waste environmental assessment plan’s master plan, which was not completed at the time this contract was signed.

Our council and Metro signed this contract with recycling dependent on recommendations which were not yet completed. In my opinion, there is no guarantee of recycling in this contract despite what we are continually told publicly here in Kirkland Lake. It is interesting to note that when Mr McGuinty made his presentation to the standing committee in Toronto on 23 January 1992, he asked you to concentrate on residual waste. The residual waste is what is left over after all the recyclables have been taken out, i.e., residual waste will need to be landfilled only. This is another example of how this project seems to change to suit the listener. With regard to the foregoing, it would be absurd to think that any significant recycling would take place in Kirkland Lake with this project as presently proposed.

**Environmental assessment:** We were told by our mayor and council that this was a long-term project and that it would not go ahead without a full environmental assessment. When we saw the contract, however—section 2c, the “notwithstanding” clause—this was not necessarily true: “Notwithstanding the foregoing, the host municipalities acknowledge and agree that Metro may make application under the Environmental Protection Act of Ontario for the interim use of the site in the event an exemption is granted to Metro from the provisions of the Environmental Assessment Act.” In other words, the site was not only seen as a long-term site for Metro Toronto; it was also seen as an interim site, possibly used without a full environmental assessment.

During a SWEAP meeting attended by Dr Epps in February 1991, it was admitted that Kirkland Lake was seen as a contingency site: That is not what we were told in Kirkland Lake. Kirkland Lake was thinking long term with a full environmental assessment. Toronto was thinking contingency site to solve its crisis. Was this an attempt to pass this site under the Environmental Protection Act, thus avoiding approval under the Environmental Assessment

Act, or would an approval under the Environmental Assessment Act be carried out later, while garbage was going into the pit?

We were also repeatedly told in Kirkland Lake that an environmental assessment would see if the proposal was safe. I ask you, is there any environmental assessment that will guarantee this pit will not leak? No.

**Municipal question:** I personally approached council in August 1990 with my concerns over this project. At that time, I suggested a public meeting hosted by council or a referendum on this issue, both of which were refused. Council was also approached by others on several occasions to call a referendum on this issue. These were also refused. Then, suddenly, three days before the deadline for our municipal election in the fall of 1991, a special council meeting was called to put a question on the ballot.

The question read, “Are you in favour of a full environmental assessment on the Adams mine solid waste disposal and recycling project?” What does that mean? Does it mean if I want an environmental assessment I want the garbage? Does it mean if I do not want an environmental assessment I do not want the garbage? Or does it mean if we are going to get the garbage I want an environmental assessment? Of course, anyone in Kirkland Lake would agree to that. This is a politically motivated and confusing question.

Our municipal politicians also stated we could have a referendum after an environmental assessment. As you know, the recommendations of the Environmental Assessment Board do not come back to the citizens of the community for final decision; they go directly to the minister’s office.

To add fuel to the fire, the promoter set up a storefront downtown during our municipal election. This was placarded with yes signs that were placed in whatever building would have them. As you know, there is no spending limit for a municipal question as there is for a municipal candidate. He also placed ads in newspapers and on the radio. The radio ads bombarded the airwaves continually for four weeks. One ad stated, “This project will create 210 union scale jobs.” There is, however, no guarantee of the number of jobs in our contract. I suggest that landfilling residual waste does not require many employees.

Posters are also up stating that an environmental assessment was “only a study.” Brochures stated, “A vote for an environmental assessment is not a vote to bring Toronto’s garbage to the Adams mine. A vote for an environmental assessment is a vote to study the proposal only.” If it is only a study, some people believed that the environmental assessment itself would create jobs, and we could vote later to decide if we wanted the garbage.

Gloom and doom were promoted as a future option if we rejected the environmental assessment. Our mayor stated in the Northern Daily News, November 8, 1991, “Any town that kills an opportunity to study a prospect is a step closer to a ghost town.” Michael Harris stated in the Northern Daily News, November 1, 1991, in regard to eliminating the Adams mine site, “I think it’s a disastrous mistake for northern Ontario.”

Our town has been faced with many job losses, mine closures, store closures and bankruptcies. It is no wonder that in an air of desperation and despair, and placed before that the promise of many union scale jobs, the vote was yes. When you say, "It's only a study and you will get the garbage only if it's proven safe, and you can have a referendum after an environmental assessment, and if you don't vote yes, you may get the garbage without an environmental assessment," and add to that the confusing question, it is no wonder 69% said yes. Who would not vote yes to motherhood and apple pie? But remember, Kirkland Lake did not vote yes to the garbage.

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Also the municipal question did not ask residents of Boston township in which the site is situated. The other unorganized townships around the site, Otto, Marquis, Pacaud, McElroy, Lebel, Gauthier and Catharine, had no say as did the town people of Larder Lake and Englehart. None of these people was asked.

In summary, the Adams mine project is an example of a project that was developed under the old scheme when communities from all over Ontario were asked to take Toronto's garbage. Out of sight, out of mind. It is an example of a political process when decisions are made beforehand and people are asked later. While we were asking for a public meeting, the lawyers were negotiating details of the contract.

If this project is to be an exception under part II of the Waste Management Act, all other communities in Ontario would be open for exceptions. We would be back to where we started from. All rural Ontario would be fighting to keep Toronto's garbage out.

By making people responsible for their own waste in part II of Bill 143 and emphasizing reduction in part IV, this bill promotes responsible use of our resources.

The Adams mine proposal is already not state of the art. Even putting the serious environmental questions of fractures in a water-filled pit, leachate collection and polluted groundwater aside, transporting waste 400 miles to dispose of it goes against the conservator society of the 1990s. I ask those who oppose this bill in principle, what would you do with the waste? Would you go back to the old time when all rural communities in Ontario were fighting, or do you want to look forward to the 1990s?

Yes, we need jobs in Kirkland Lake. Yes, we are hurting. But we cannot afford to leave these problems with our children. We must deal with them today. Failure to prevent pollution could cost this community more than anyone can predict. This bill has the potential to make Ontario a leader in the 3Rs, reduction, reuse and recycling. It deserves our support.

**The Chair:** You have the floor, Mr Bisson. There are approximately 10 minutes in total. I am going to be very tight on the question time. Please make it short.

**Mr Bisson:** You raise an interesting point in your presentation in regard to the environmental assessment. What you were saying, if I understood you correctly, and I want you to correct me if I am wrong, is that if the government was to allow environmental assessment to go ahead, the

people feel they would be able to turn down the project through a referendum? Is that correct?

**Dr Durocher:** That is correct. We were told in our town that we could have a referendum after the environmental assessment was done.

**Mr Cousens:** I have a comment and then a question. First, Mr Harris has always been in favour of a full environmental assessment process, and that process itself could be reviewed and revised and revisited. In supporting the Adams mine site, I want to make it very clear that from the Progressive Conservative Party it is an option to be considered under the environmental assessment process, and it is in that context that Mr Harris made his statements.

The question I have is dealing with the visits or consultation that your association may have had with the New Democratic Minister of the Environment. Have you had any dealings or conversations with Ruth Grier and her ministry prior to and after the first reading of Bill 143 on October 24?

**Dr Durocher:** I will answer that in two parts. First, I did not attend the meetings with Ruth Grier myself. They were involved with environmental groups from all over Ontario. We sent one or two members, but every environmental group from Toronto and all over Ontario was there. It was open to all the environmental groups.

**Mrs Marland:** But you were represented.

**Dr Durocher:** We had one or two members there.

I have one more part. I want to respond to the other thing you said about Michael Harris. It is interesting that Michael Harris was interested in an environmental assessment, because when he commented during the election campaign when he was touring in the Marmora pit by Orillia during the election he said, "Why spend a long time on environmental assessment when it takes me only 12 seconds to decide whether this pit is safe or not?"

**Mr Cousens:** I do not accept that at all. Madam Chairman, that is certainly not in the context of the way he has talked at any time.

**The Chair:** Mr McClelland, you have the floor.

**Mr Cousens:** I do not give lies, I will tell you that.

**The Chair:** Mr Cousens, this is a parliamentary—  
Interjections.

**Mr Cousens:** If there is going to be this kind of misrepresentation of facts, I will not tolerate it. I know what Mr Harris stands for and that is not true.

**The Chair:** Order.

Interjection.

**Mr Cousens:** You can say what you want, but I am not accepting that. I will not accept that.

**The Chair:** Order, please. You have the floor, Mr McClelland.

**Mr McClelland:** Doctor, you say in your brief that you want some comment from people who oppose the bill in principle. Let me tell you very briefly why I oppose it in principle.

I oppose it in principle for the very reason you are here today, because I believe people like you and whoever they



may be across this province have the right to voice their objections. I do not believe, as you state in conclusion, that the bill, although it does have the potential to make Ontario a leader in the 3Rs, is necessarily reductive in the sense that it also has the potential to shut down citizen participation, honest scientific evaluation of issues that require that. The folly in saying that is, one, that you said a conservator society is necessarily linked to waste management issues. They are two separate, distinct issues. They go hand in hand but they ought to and need to be dealt with separately.

Waste management requires active participation of the public. Bear in mind the following—and I appreciate your comment. Do you recognize that the powers contained in Bill 143 could be turned around on you to the fullest extent, so that one sitting in the minister's chair, who did not share your views, could in fact under the powers of Bill 143 as much as dictate that Kirkland Lake would be the site? That is why we are saying you have got to allow the process and the integrity of the process and some objective analysis. Do you understand that opposition in terms of principle of the bill?

**Dr Durocher:** I realize there are lots of powers in the bill and we do have a question about them. It is interesting to note, though, when you look back at the exemptions to the Environmental Assessment Act—and I have a whole list of them; I can offer you the papers later—that under the existing legislation there are exemptions granted under the Environmental Assessment Act every day. A lot of those decisions may be done dictatorially without proper consultation as well.

**Ms Haec:** Dr Durocher, I thank you very much for coming here. I do not really want to apologize for a member from the Conservative Party, but I guess I will because in fact it really was an inappropriate comment that he made to you.

**Mr Cousens:** You make your own apologies. If someone is going to start making statements that are not true, I am not going to sit here and idly accept it. You have to be honest.

Interjections.

**The Chair:** Order.

**Ms Haec:** On pages 2 and 3 of your presentation, you refer to the recycling processes that were outlined in the contract and we heard during the last few weeks a presentation from CN and CP rail. One of the things they outlined to us was that in all likelihood there would be a very large recycling facility built in Vaughan before what was left over was shipped up to you. Have you seen that and has your group seen that? What kinds of comments would you make with regard to that particular proposal?

**Dr Durocher:** I did see part of that and that was one of the problems we had when we first saw the contract. We thought a lot of the recyclables would be taken out before we got the residual up here. That was very much a concern for us.

**Interjection:** No jobs.

**Dr Durocher:** No jobs, and it just does not make sense to recycle Toronto's waste up here. It should be recycled in Toronto.

**Mrs Marland:** Dr Durocher, you say in your brief on page 6 that Kirkland Lake did not vote yes to the garbage. I have to ask you, because you are here as an environmentalist and I speak as an environmentalist also, how would you expect Kirkland Lake to vote yes to the garbage without an environmental assessment first?

**Dr Durocher:** My response to that would be that the environmental assessment does not guarantee safety.

**Mrs Marland:** So you want to have a bill that does not guarantee anything.

**Dr Durocher:** It removes the power from the community. We were told that we would be able to have a referendum after the environmental assessment.

**Mrs Marland:** So you support the bill that does not give you any rights at all. Is that right?

**Dr Durocher:** We support Bill 143.

**Mr Ramsay:** You talked about the principle of the bill. What upsets most of us here is that the principle of the bill puts political consideration over environmental consideration in that the minister can make a determination. What if in the future we get a big, bad Tory Environment minister like Don Cousens? You might have trust in the present minister to do the right thing. This is a bill for all time in Ontario. Are you willing to support this bill and allow one person in the future, of any political stripe, to make decisions and force garbage down people's throats without public participation?

**Dr Durocher:** The advantage of having the power with the minister is that the minister is an elected official and we can turf him or her out after a certain length of time.

**Mrs Marland:** Are the mayors not elected officials?

**The Chair:** Order. Thank you very much for your presentation. We appreciate your coming before the committee.

Interjections.

**The Chair:** Order. I am going to ask for order from committee members. Until this time I think we have done quite well. I am attempting to get as many members on for questions as possible. I know that tempers sometimes run a little high, but I ask all members of the committee to stay cool.

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MARY KRAMP  
BERNADETTE FERNANDEZ

**The Chair:** I call now Mary Kramp. Please come forward. I understand you are sharing your time.

Interjections.

**The Chair:** The hearings cannot proceed until I have quiet in the room. Please introduce yourselves. You have 20 minutes in total for your presentation.

**Mrs Kramp:** Good morning. My name is Mary Kramp. I am going to share some of my time with my friend Bernadette Fernandez. I will start.

I welcome you to Kirkland Lake. I was born and raised in Toronto in York county. I have lived in Kirkland Lake since 1960 and I have a business here. As a concerned citizen and a land owner, I am taking the first step to protect my land and environment. The issue here is whether to take Toronto's garbage into northern Ontario.

We own close to 1,000 acres of land in Pacaud and Chamberlain township, with frontage on both sides of Highway 11. We have big plans for this land. My plans do not include having to concern myself with Toronto's garbage polluting my well water or the river and creeks surrounding it.

Having had the experience of living near a dump in the east end of Toronto, I know at first hand what the city and the developer are trying to impose on northerners. The dump in my area used to burn the garbage regularly, but we still had the rats and the horrible smell that used to come from it. Later, when it got full, they closed it down, put up a 20-foot fence and parked their spare transit cars. That is all the land is good for now.

One of my concerns is that the Adams mine was blasting for at least 25 years. This would mean that dumping in a megafractured pit that cannot be lined or sealed with any substance which would guarantee any degree of containment is just not feasible.

Another issue here is the creation of 200 jobs. I fail to see this happening when recyclable goods will be taken out in the town of Vaughan. What is going to be left to be recycled? All we will need will be front-end loaders to push the garbage into the pits. I doubt very much if this will create 200 jobs.

In a Toronto Star article I read about a recycling plant of post-consumer plastics in Brantford. It is 65 miles northwest of Toronto and one of the largest in North America. Each year it processes 5,400 tonnes of plastic bottles and more than 2,200 tonnes of plastic bags. One of the problems they have is getting enough materials to make their plant more efficient. Even though the blue box program is expanding, they still cannot fill the need for resources. They have to import at least 1,000 tonnes a month from the United States. If they do not have enough down there to recycle without importing it, where are we going to get it? Are we going to haul it from the United States also?

One of the third-largest dumps in North America is located in Montreal's north end, in Miron Park. The immense hole is filled with 33 million tonnes of rotting waste that produces a potentially potent cocktail called biogas. In 1968 the company began using the biogas to run its kilns. When the company was bought out in 1985, 28 million tonnes of waste had accumulated at the site. That takes in about 100 city blocks.

A recent study of the nearby homes found an 87% concentration of biogas, mainly methane and carbon dioxide, near the drains of people's homes. When the gas reaches the 100% level it explodes by spontaneous combustion. The gas seeps through the garbage and into the atmosphere, filling the air with an unbelievable stench. It creeps through the ground like a toxic plague.

Studies that have been done on this have shown that an increase in cases of cancer can be expected to occur

among people who have had long-term exposure to the biogas. Consequently, this means the value of their homes on the real estate market has greatly decreased. Some lives will be in jeopardy from the effects of the biogas. I fail to see how the garbage being shipped outside the GTA would really benefit us in the long run. They are taking an "out of sight, out of mind" attitude. We must look into this much further than the creation of a few jobs. The long-term effect on our health could be devastating. We must protect our environment.

In my opinion, the lives of local and rural residents and their descendants could be in danger. One of the first areas to feel the effects of pollution would be my area. What would my farm be worth if I wanted to get rid of it after the well was polluted? Who would want to buy it? This is a very real and personal threat to my future. Therefore, I support Bill 143. Let them keep their garbage. You will find I have attached to my brief some maps and information from municipal election day and so forth.

**Mrs Fernandez:** Thank you very much, Mary, for sharing some time with me. This is an opportunity I have been awaiting for a long time, to voice my concerns, because at several meetings which I have attended there has been quite a bit of browbeating and denouncement of some of the speakers who oppose the municipal government's general inclination.

I wish you a good morning, a good day and welcome to Kirkland Lake. I am Bernadette Fernandez and at the moment I wear several different hats. I am a business owner, property owner, natural health care practitioner, nutritional consultant, iridologist and health researcher. The reason I am in the fields I have chosen is that I sincerely care about the wellbeing of others, and I believe in the prevention of disastrous conditions.

What I would like to say regarding Bill 143 is that it is refreshing to see a plan which makes sense and reflects maturity, responsibility, self-preservation and wisdom. Thus far in Kirkland Lake, from my point of view, we have been threatened repeatedly by unwise decisions which could compromise our safety, happiness and very survival. On more than one occasion some of the individuals we townspeople have chosen to represent us and protect our best interests have been inclined to jeopardize our safety. Their motives have been financial gain, job creation and possibly political popularity.

While not harmful in themselves, these ideas can cause shortsighted individuals to trade off certain irreplaceable possessions we are so fortunate to have in the north. Many of us who have chosen to live in Kirkland Lake and area do not wish to live in areas with polluted air or water. Some of us choose lifestyles that minimize the harmful impact we may have on our environment. We make these choices because we are conscientious and honestly care about what happens to us and others, even in the long term.

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We have, however, made the mistake of choosing representatives who are not very creative when it comes to developing opportunities for safe and sane directions for



employment. I like the example that the mayor of Cobalt, Mr Roy Scott, is setting by soliciting ideas for employment from his townspeople. This is truly rational action and shows non-egotistical cooperation with his community rather than the pursuit of environmentally questionable projects that would exploit a job-hungry community.

It is not reasonable to have jobs at any cost. Surely we can progress economically in a direction that does not involve moving trash vast distances at great expense. While I know that high unemployment is one of the most stressful situations we are facing in the north, it is nowhere as distressing as a possible environmental disaster could be. If our leaders are so gullible, so blinded by the glitter that salesmen dangle before their eyes, so biased towards short-term gains with long-term risks, so uninterested in listening to our varied concerns—not only jobs—then I feel they are unfit to lead. I do not want to be led to risky, potentially devastating situations and I do not want the trusting, innocent people in Kirkland Lake and area to be misled and insufficiently informed any longer.

Anyway, again concerning Bill 143, I believe as the Honourable Ruth Grier obviously does, that unless one deals with the negative consequences of one's negative behaviour this behaviour most likely will continue. From this point of view, garbage transporting does not make sense. It makes about as much sense as my allowing my child to scatter her personal stuff to other places around the house because she has so much stuff cluttering her own room. It also makes as much sense as walking my hypothetical dog a few blocks away to defecate in someone's else's yard so that I do not have to deal with the mess.

Thank goodness Bill 143 includes regulatory measures which will protect us. I am happy to see that we as a society will be directed to conserve, to be responsible for our own waste and to care enough about our future and that of our children, grandchildren and future generations so that we do not squander their resources by being greedy, thoughtless, consuming creatures. May we do the greatest good for the greatest number and not just for a few and may we be recognized as being conscious people who cared enough to leave the resources the future will need and an environment that can sustain healthily those who continue to live.

**Mr Ramsay:** Bernadette and Mary, I accept your presentation with the sincerity you bring to it today. Thank you for that. Much of what you say in both your presentations could be true; I cannot argue that today. I am not an expert; I do not know. In both your presentations you talk about people having information. This project may not be environmentally sustainable. What does anybody have to fear from a full environmental assessment on this project?

**Mrs Fernandez:** In my opinion, it is not so much that I fear an environmental assessment; it is that I do not believe we can afford the money to have an environmental assessment I do not agree with in the first place because I do not believe that transporting the waste from southern Ontario is wise. I do not agree with that move. I believe the energy it expends as far as what some people would consider a viable employment strategy, such as the trans-

portation through the railway and all that, is concerned does not make enough sense to me.

**Mr Wiseman:** My question is to Mrs Kramp. You made a comment about growing up beside a landfill site in eastern Toronto. I was trying to think which one it could be, because I grew up beside the Brimley Road site, which Metropolitan Toronto ran. Just last year, a million tonnes of that slid into the road because it was not taken care of properly and did not have the kind of perpetual care that is necessary.

**The Chair:** Question.

**Mr Wiseman:** That was not it, so I thought it might be the Morningside site in north Scarborough, but that was not it. I thought it might be the Beare Road site on the Pickering boundary but that was not it. You have me. Which one was it and what do you think of this perpetual care problem?

**Mrs Kramp:** In the first place, I was raised on Seymour Avenue. That is the east end. I do not know if you know the area, off Shudell, the last street in between Boulton and Danforth.

**Mr Wiseman:** Oh, that site.

**Mrs Kramp:** It was not a megadump, but it was a dump.

**Mrs Marland:** Obviously you have done a lot of research and you have gone into this example in Montreal. I am wondering whether you are aware of the North Sheridan landfill site in the city of Mississauga which also has methane gas and on top of which have been built, very successfully, about 67 homes. Are you aware of that site?

**Mrs Kramp:** No, I am not aware of that.

**Mrs Marland:** There are no problems whatsoever with the gas.

**Mr Ramsay:** I have the same questions you do. Is it environmentally sustainable to be transporting waste material to the north via train compared to truck travel in southern Ontario to dumps that have yet been unnamed? Again I have the same questions and wonder about it. That is why I think the proposal should be given the full light of environmental assessment so we have those answers. Because you may be right again; we do not know. So let's have this out there. What do we have to fear to learn more about this?

**Mrs Fernandez:** Can you repeat that again, please?

**Mr Ramsay:** I was just following up. You mentioned, for instance, the feasibility of shipping waste north.

**Mrs Fernandez:** Okay, I got it. What I believe is that the less distance one would have to travel with waste or anything, the less energy is expended. That just makes sense to me. I do not think we need to have an environmental assessment to figure out whether transporting locally in Toronto and area would cost more or less than via rail up here.

**Mr Martin:** As Mr Ramsay did, I accept your presentation here with all the sincerity it is delivered, as I did other presentations this morning, particularly the one second before yours. In that presentation and in others there was

some reference to perhaps your not being credible deputants in front of this committee because you came from some marginal group somewhere and did not represent real people somehow. We had some people in front of us yesterday from Sault Ste Marie, Chapleau, Manitoulin Island and Sudbury who expressed the same sentiment as you did. Whom do you represent and who are you?

**Mrs Fernandez:** I am an individual. I have always been concerned about issues that get out of hand. I am from the United States originally. I have seen a lot of issues get out of hand because political intervention and financial greediness seem to carry issues into fruition and end up becoming laws or concrete experiences for people, and myself as well, who find them very disagreeable; polluting water systems and depleting water systems in my case, polluting the air where I am from. I just do not want to see that happen up here. I feel a lot of people have moved up north to escape those kinds of threats. As an individual, I want to survive. I want my family to survive. That is why I am up here in the first place.

**Mrs Marland:** I am sure you believe in a democracy, as do I. My father was one of thousands who died that we live in a democracy. In your presentation, I notice that you say the townspeople have chosen people to represent them and then you go on to describe those people's motives. Would you not agree, since you have had at least two municipal elections since this issue has been on the table, that in a democratic society, if the townspeople in the majority have chosen those people who represent that opinion, that is fair, or do you have an alternative to democracy?

**Mrs Fernandez:** No, I believe it is fair but I do not believe the average person goes out of his way to investigate environmental issues. I believe that often we do not get representatives from both sides, especially when one side has much more money to spend than any other of the environmental groups that present their points of view.

**The Chair:** Thank you very much for your presentation. We appreciate your appearing before the committee today.

M. J. LABINE

**The Chair:** I would like to call next M. J. Labine. Please come forward. You have 20 minutes for your presentation. We ask if you would begin by introducing yourself. Speak right into the microphone. Do not worry about anything, and leave a few minutes at the end for questions, if you would. Please begin your presentation now.

**Mr Labine:** My name is Mr Labine and I am not a member of REEPA, although I support them. The first portion will be the written brief.

Some have said Notre's proposed landfill could become one of the world's largest. After hundreds of presentations by the proponent, not once did he ever mention paying compensation to those most affected biologically through groundwater and airborne contaminants. Since the proposal was announced land values have fallen relative to the linear distance to the site. A planned subdivision not far from the Adams mines site has not been heard of since

McGuinty came to town. A tourist resort has been cancelled as well.

During the winter of 1991, I communicated with Sherman at Dofasco concerning magnetite accumulated on the shores of Mousseau Lake. The source of this material was from over a span of 25 years of blasting operations at the mine site. Dofasco refused to supply a few loads of fill to cover the aerobic leachate. They claimed there was iron in the lake bottom even though they knew very well there was no elevated magnetometer readings on the lake and the many drill holes were negative for iron.

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To make matters worse, an official from the Ministry of Natural Resources told me to take the back of a rake to rid the beach of red rust. In item 1 after page 4 you can see the iron content of the water. It is not exactly what Mr McGuinty says it is.

With that type of answer, how do you get them to pay for the mess they leave behind? The air above my land is not mine in absolute terms but Dofasco must pay for damage caused by encroaching on my air space the same way a landfill must compensate for foul odours.

The Adams mine, with its many tailing dams, if allowed to go unchecked could present a problem even greater than the one experienced at Matachewan. The preliminary hydrology report by Golder states the Notre proposal would require the use of all its land holdings. Please see items 2 and 3. You can look at them later on if you choose, for verification.

What you are not told is that half of the mine property is held under mine leases CLM 104 McElroy township and CL 411-a Boston township. These leases are granted for mining use only and not once since leases were introduced has this rule been broken. The pits on this property generate enough water to supply a town of 2,000 people. Please see items 4 and 5. It is kind of complicated; you will have to look at it when you are on your own. One well that was drilled generated 100 gallons a minute. The other well generated 50 gallons a minute. What you have is a veritable aquifer. I think a lot of small communities would like to be able to pump water out of the ground at that speed.

The area surrounding the Adams mine site to the Misema River going east and the Montreal River on the west could contain as much groundwater as, for example, Lake Ontario. See item 6. The drawing shows only a portion of this huge aquifer. It is also known to extend northward along an ancient buried valley system emptying into James Bay. The exact flow patterns of this water source have never been determined with any great accuracy.

The water is beyond any doubt the greatest natural resource we have in northern Ontario. There is enough water here, in the event of a major environmental disaster, to supply fresh potable water to all of southern Ontario as well as the eastern portions of the province of Quebec and portions of Maine and Ohio. The Canadian government has negotiated water agreements with the United States that we are all bound to respect. Until now, that not been done concerning this garbage matter.

At Notre's early presentations, a video used was taken at a landfill owned by Rueter, the same man wanted by



Interpol for bribing politicians. In view of the preliminary findings by the consultants as well as what is visible to everyone, an environmental assessment is best described as a waste of money.

In 1961, a review was taken in the local mines on radon daughters. The results were alarming and subsequently censored and classified. The effect of this was the hundreds of lives lost to lung cancer by those who worked in the gold mines. Ask yourselves, should a study prove harmful, would it be censored the same way that radon was carefully hidden in 1961?

In this century, men have died for gold. A cynic might conclude that in the next century men will die for gold and garbage.

I wrote a few extra notes here. You will have to study the appendix I put to this. It gets a little complicated. I would like to submit this to the panel.

**The Chair:** Our clerk will take it from you.

**Mr Labine:** These are pictures of the lake they want to pollute. I wrote a few notes here. As you noticed coming in, there was a big snowman. According to the town by-laws, it is too close to the road. It is too high. It is illuminated and it is a controversial piece. According to law, you cannot have that near the roadside. I contacted the building inspector. I contacted the local police department, and none would enforce the bylaw.

What I ask you to do in this particular case, when you are driving to back to Toronto tonight, is ask yourself how you personally apply this and define "fascism". Please do that. Even the school board this morning had to act against Mr Mavrinac's request to have children join the parade. The school board asked the parents to make sure there was a written note sent to each child that attended the parade under protestation here. It is pretty bad when the school board has to intervene in the mayor's actions.

Golder Associates did the study at the Adams mine. Golder Associates also did a similar study in Port Hope. In Port Hope what they measured for was travelling radium. They knew very well radium does not travel. They did not measure the decay products that do travel. This is what you get when you hire an environmental forum. They come up with the results you want them to give you. They are paid to give you what you ask them to give you. What we should be doing right now is not saying, "Look, let's hire this guy and that guy to tell us what's there." Why don't we just open our eyes and take a look at the pits. They're filled with water. The Misema goes all the way down to the Montreal River. I mean, we can see this with our eyes. We do not need these studies.

I notice too that Mr Mavrinac is not here. He only listens to one side of the argument.

**The Chair:** Order, please. I am sorry. That is not unacceptable in the committee hearings. I ask that everyone allow the deputations to have their say and to be heard whether you agree with their point of view or not. That is respectful. That is the process for our committee. Please continue.

**Mr Labine:** This morning there was a song on the radio by a local recording artist, Bob May. It was sung to

the lyrics, "Hey, What About Me?" Even copyrights are being broken. This is okay. It is for Joe's benefit, you know. We have to have law, and you know, copyrights have been broken. This is a serious thing. I would not want anyone stealing copyrights of the material I have written. I plan on writing a book, and I would be very offended if someone stole my material that I have written.

I do not think I have much more to say except that Mr Bisson over there has left now. It is unfortunate—not Bisson, excuse me, what is his name?

**Interjection:** Cousins?

**Mr Labine:** He was referring to Mr Harris of North Bay. I think you people should consider the remarks attributed to Mr Harris of North Bay in the Northern Daily News lately, and you should seriously consider whether the man needs help, because you just cannot make remarks like the type of remarks he has made about our native population. Without the natives none of us would be here today. He is poking fun at them as though they were merely nothing, and I find this quite unjust. I am sorry that the man who is representing the Conservative Party is not here at the moment.

I suppose this is about all. You will have to study the items in my brief. There are six items in it which go into detail where I got my information and the source and everything. It is fairly detailed.

**The Chair:** You gave the committee three copies of your brief. We will see that it is reproduced and all members of the committee will receive it. It will also become part of the public record.

**Mr Labine:** Okay. Thank you very much. That is about it. You may ask questions if you choose. I would like you to ask questions.

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**Mr McClelland:** As much by way of comment as question, sir, what you said is fundamental. We do have to have law. We need certainty in law. I draw to your attention that much of Bill 143 undermines 40 years of evolution of law in terms of environmental protection: Ontario municipal law, the Planning Act and acts that allow local governments to be actively involved in the planning and operation of their community.

I ask you rhetorically, not necessarily looking for an answer, and the deputants that went before you: Do you not also realize that Bill 143's underlying principles would also potentially allow a minister to direct that a rail haul proposal such as the Adams site shall or must go forward? You have to ask yourselves that question. If you sit here today and say you support Bill 143—it is not an issue, re rail haul, in the narrowest sense; it is an issue about which you have to ask yourselves the fundamental principle. Do you recognize that Bill 143 says the laws that have evolved in this province to afford citizens such as yourselves full participation and ownership in your community are in jeopardy and at risk and could be turned against you? Do you understand that and, if so, do you still support Bill 143?

**The Chair:** Do you want to respond to that? You do not have to if you do not want to.

**Mr Labine:** No, I am not going to.

**Mr Bisson:** There are two parts to my question. I will try to keep it brief because we do not have the time. From what I am hearing, you are saying there are a number of people out in the community who do not have all the facts before them, either one side of the issue or the other. One of the points that has been made over and over again—and some of the people from the committee have actually made the point—is whether people are aware that the interim measures within the act would not be possible, as far as Kirkland Lake being an option, because the transportation part of it is excluded from the act. That was the first question.

The second part is: Do people understand that if an environmental assessment went ahead and indeed the Kirkland Lake site was found to be environmentally and economically sound, they cannot kill the deal because the power would then remain with the minister to make the thing go ahead? Why would a government spend \$10 million on a study only to turn around and have it turned down at the very end? Do people understand that? The \$10-million figure is cheap. I am just using a number.

**Mr Labine:** You know yourself, once you spend \$10 million you go ahead. Nothing is going to stop it. If you get an environmental assessment, the garbage will be dumped there. I think I made it quite clear in my brief. It is the same as the radon daughters. Incidentally, I am a cancer victim. I am one of the people who was lied to, and I have done health research in the industrial field now for the past seven years. I am a survivor.

Once you have spent \$10 million on research, it goes through whether or not it is safe. Only an insane person would stand on those pits and say it is safe. You simply have to read the Golder report. If you do not understand the terminology, you get a friend who understands it. Hire a chemist, hire a geologist and have them sit beside you and explain the terminology to you because I am sure you can talk to me about things I am not going to understand. I am not going to know what the heck you are talking about.

When we come out with briefs like this on rock stress and so forth, I am quite sure none of you understands fully. You understand some, but not exactly what is being said, and this is why you need experts beside you to explain what has already been done, what has already been shown. Once you see what Golder has already shown and fully understand it, there is no need to go ahead. There is absolutely no way this can be made acceptable.

We have a huge water base there and water is important. The way everything is being polluted today, we cannot damage this water base. As I mentioned in the brief, if the American people ever need fresh, potable water—we have no right to make them die of thirst. We do not have that prerogative. The boundary across Canada and the United States does not prevent the United States from coming over here and getting fresh water. These are negotiated treaties. We have no right even to stop Mexico from coming over here and getting fresh water.

We have to preserve every bit of fresh water we have, and what is being planned here is more or less a colossal

disaster to our water resources. No one has talked water, but that is what this whole thing is all about: water. Without fresh water you have nothing, and you need that fresh water.

What do you have in southern Ontario? You have no aquifers, none whatsoever. We have a few around Thunder Bay and Sault Ste Marie. After that, we go through two provinces with no aquifers. We go through the major part of Quebec with no aquifers. But we are blessed in Ontario because here in Kirkland Lake at the Adams mine site we have one of the biggest aquifers in the entire continent. People are planning on dumping garbage on it, and this has never been made public. No one wants to talk about it. This is a little thing they kept out.

**Mrs Mathysen:** I want to thank you for coming to testify, Mr Labine. Ms Kramp and Ms Fernandez referred to long-term development as opposed to short-term. My question actually did revolve around the aquifer. We know very little about aquifers and I was planning to ask you: Do you think the long-term development of Kirkland Lake would be compromised if this aquifer is jeopardized by putting garbage residue into the Adams mine?

**Mr Labine:** Just by continuing to talk about garbage, the future prospects of Kirkland Lake are diminishing. I know businessmen who are pulling out of Kirkland Lake now. I mentioned in the brief that one subdivision was cancelled and one tourist resort was cancelled. What more do you want? You do not need any more proof. Can you imagine what would happen once the garbage got in? I know I would leave town. I have quite a few houses and if I am ready to leave town at sacrificed prices, I think a lot of people would follow suit. What you are talking about is destroying a town. Joe Mavrinac does not care. As long as you have those cameras pointed at him, he does not care. Just keep pointing the cameras and Joe will say anything.

This is not what life is all about. We have to think about those who will come after us. We have to try to leave the world a little bit better than we found it because we did find it in a bit of a mess too. There were a lot of tailings all over here when we were born. They had already started polluting, but we have to try to leave things a little bit better than we found them.

I think these people say: "Let's pollute this and let's pollute that. Let's do a little bit of this and a little bit of that." Ask them once in a while when was the last time they dug in their pocket to give money to a worthy cause and how much they gave. Do not be afraid to ask how much they gave because I find most of these people are nothing but cheapskates anyway, always trying to get something from the government for nothing, like the flow-through people. It is the same thing, always asking for something instead of saying, "What can I do for my country? What can I do for people?" and not just waiting to have things dropped at your feet. Right now, what do you call someone expecting to earn money from garbage who does not do anything to earn it? Is that not what you call procuring?

**Mr Wiseman:** I really appreciate your presentation. I was getting a little worried there for a minute because when I heard the presentation I was beginning to think



Metro might have found some place other than an aquifer to put its garbage. In every instance you look at where Metro looks for landfill sites, they are all in river beds, on aquifers or on the headwaters of streams. I was getting nervous to think that they might have changed their pattern. It is nice to see they have not.

**Mr Labine:** You do have an aquifer around the Windsor-Hamilton area. That is the only other one you have. I understand that one is already polluted.

**The Chair:** Thank you for your presentation. I appreciate your coming before the committee today.

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WILLIAM DENNIS

**The Chair:** I am going to call the last presentation before we break. William Dennis, please come forward and introduce yourself for the committee. You have 20 minutes for your presentation. We would appreciate it if you would leave a few minutes at the end for questions, but that is up to you.

**Mr Wiseman:** It seems the rule is more important than hearing the presentations.

**The Chair:** Please begin your presentation now.

**Mr Dennis:** My name is William Dennis. I am chairperson of the Round Lake and Area Local Service Board.

First I would point out that, though I may differ on some issues with the proposed legislation, I find that I can support its main thrust, in particular the non-shipment of waste. The transport of waste defeats the main purpose of waste management, which is reduction, reuse and recycling of resources. Transport is counterproductive for the following reasons:

1. The act of transporting garbage reduces greater Toronto's incentive to reduce by establishing an "out of sight, out of mind" mentality, as indeed does landfilling in general, and disregards incentives used successfully by other municipalities to reduce waste.

2. It removes resources from recycling facilities currently operating in the Toronto area. It increases the cost of the raw material for said resources due to increased transport charges and handling, thereby reducing the desirability and competitiveness in the marketplace.

3. The transport of garbage reduces the incentive for the provincial funding to finance research facilities and universities on waste management and overlooks companies currently specializing in waste management already established in high-density populated areas where most of the waste is generated.

4. The haulage cost of waste in Metro in 1968, as per government publication, was 28 cents to 35 cents per tonne per mile and was considered prohibitive. With the current cost of transport and the extended distance of 600 kilometres, the cost must be equally prohibitive as well as morally wrong.

5. The increased transport distance also increases the potential for spills, an occurrence we have experienced several times in the past year, for example, sodium hydroxide, Matheson, contamination of surface water and groundwater.

6. The transport of untreated human wastes such as faeces, mucus and sputum, even as small percentages of the garbage, introduces vectors and pathogens that we lack the facilities to deal with. National Health and Welfare reports show that even with our technological advances, the incidences of waterborne disease have maintained their levels or have increased over previous years. The re-emergence of some diseases not seen in several years has called into question our foresight and ability to cope with such situations.

7. The issue of transport of garbage is not new, nor has it solved the problem. In 1967 Toronto and Vaughan township took the issue before the Ontario Municipal Board. Vaughan township did not then and does not now wish to take Toronto's garbage. The municipal board rejected Toronto's request for a 450-acre landfill site but granted a compromise of 60 acres and sent Toronto back to reconsider its long-term needs before returning to the board. Toronto chose, rather than face stiff opposition from the residents of Vaughan, to follow the dictates of a \$175,000 study and go to incineration and acquire landfill sites outside the greater Toronto area. They are still trying to do the same 24 years later. No serious effort at reduction has been attempted.

8. The proposal of transfer stations is not new, having been suggested to Metro in the above study. However, the beneficiation program proposed by the Canadian National yards in Vaughan would further reduce the Adams mine project to a poorly disguised landfill site, the chosen method of both Bob Ferguson and Paul Christie of Metro.

9. While on the discussion of new technology, I would point out that technology is no more perfect than the human mind that conceived it. Some examples would be the Andrea Doria, an unsinkable liner that sank on its maiden voyage, or the Voyager space shuttle which exploded due to an o-ring malfunction, or the solar arms of a Canadian satellite which failed to open regardless of all the gyrations it was subjected to. The new waste haulage cars and containment equipment are as liable to failure as any of the above.

10. I am a resident of the unorganized townships and a property owner in Boston township, which had no input into the deals negotiated by the councils. I must protest their methods and rationale, as well as state the deal is ludicrous, especially since landfill costs in 1968 in Toronto were estimated to be between 75¢ and \$2 per tonne, where at the Adams mine project, we will be paid \$1.10 a tonne. The McGuinty-Lamarche proposal from Bristol, Quebec, which was rejected, had far greater environmental safeguards written into the agreement. Toronto's current tipping fees and those paid to American landfills—200 tonnes per day legally shipped by waste management to Lewiston, New York, for incineration—far exceeds those proposed here.

11. The hazards of placing waste in the Adams mine, an area of faults, fractures and shear zones and therefore subject to ground movements, are many, and I do not suggest that I know them all:

First, the risk of contaminating the largest groundwater shed in eastern Ontario by sundry contaminants.

Second, the unknown and unpredictable effects of this Pandora's box of chemicals, and their potential for synthesizing new materials, toxic and otherwise, in the process.

Third, the unlikelihood that a \$4.5 million waste treatment plant will be adequate to reduce toxins, particularly since Kirkland Lake's own water treatment and filtration plants will far exceed this cost, and the one proposed at Bristol, Quebec, was double the sum.

Fourth, the detrimental effects the sediments, heavy metals and nutrients will have on aquatic life, such as reduced sport-fishing populations, is predictable.

Fifth, the byproducts of 25 years of blasting, plus the nutrients generated by the heat and decomposition of many millions of tonnes of garbage, cannot help but affect the adjacent waterways, hastening eutrophication by algae buildups in the waterway.

Sixth, studies show that eutrophication occurs more rapidly in northern lakes due to bacteria and nutrient cycles. This process adds further strain on the game fish by inducing rough fish, further taxing the reproduction of the desirable species.

12. I would like to point out that these projects have risks and limited results:

On recycling:

Bob Ferguson, commissioner of public works, Toronto, in the Toronto Star, April 17, 1991: "I don't see reduction, reuse and recycling resolving this garbage crisis."

Dave Oehring, ex-reeve of Larder Lake, June 21, 1991, Northern Daily News, study feasibility of recycling in Cochrane and Temiskaming: "'Study participants were warned not to fight over who gets the recycling plant,' the reeve said. 'This does not generate a lot of jobs,' he said. 'It doesn't generate a lot of income.'"

On methods and assessments:

Toronto councillor Dale Martin, Northern Daily News, January 19, 1990: "Toronto councillor Dale Martin said the city should be doing more to reduce its garbage, rather than dumping it on class-A farm land."

On transport of garbage:

Conservative leader Mr Mike Harris, North Bay Nugget: "The idea isn't in the best interests of Toronto because it's too expensive. Toronto would be better off finding a site in the greater Metro area."

Mike Harris, campaign 1990 news release, August 3, 1990, comment on the environmental assessment at Marmora: "Under the Liberal process, it will take at least 12 months to determine that this is not a good place to throw garbage. It takes anyone standing here 12 seconds to reach the same conclusion."

He then goes on to state that his party would simplify the approval process. Mr Harris also stated that in a letter to the chairmen of the five regions of the greater Toronto area. David Peterson, then the Liberal leader, promised on August 2, 1989, that even more municipalities would be able to use the short cut.

Since both opposition parties have suggested streamlining the Environmental Assessment Act, I feel they must, at least in principle, support Bill 143 in this respect.

I again state my support for Bill 143 and thank the Chairperson and the panel for their attention.

1230

**The Chair:** Thank you very much. First question, Ms Haeck.

**Ms Haeck:** I would like to ask you specifically, because you have made mention of the fact that you live in the unorganized townships and that you own property in Boston township, could you for this committee's edification indicate where you do live, or how far from the site you are, and if you were consulted, whether your vote really counted for something with regard to the placement of this project?

**Mr Dennis:** The property is within three or three and a half miles of the Adams mine, south and west. Was I consulted on this? Not one bit. The only reason I knew the proposal came about was that I attended Mr McGuinty's first proposal here in Kirkland Lake at Northern College. It was the only indication I had of anything being planned in the area.

**Mr Solá:** I notice that on page 3 of your brief you complain about waste being transported to the United States and the amount of money being paid for that privilege. Yet you support Bill 143 which does nothing to alleviate that problem. Bill 143 does not ban the transport of waste to the United States. As a matter of fact, all Bill 143 does is, in the future it will take away your right to appear before a committee like this to voice your opinion on whether you agree with something or not, if the minister so chooses. Right now you happen to agree with the minister. In the future you may get a minister with whom you disagree, and if he or she uses the same bill to declare by the same decree that this garbage shall go right into your backyard, you will not even have the opportunity to protest. How can you support Bill 143 when you take both edges of the sword into consideration?

**Mr Dennis:** You mentioned about the American transport of waste. I do not condone transporting waste to the United States. As a matter of fact I do not condone waste. I think our government should be aiming at reduction and reuse through legislation. I think recycling, which is being promoted here, is definitely not the way to go. It is a Band-Aid situation. I mentioned this to Mr Lucien Bouchard when he was the minister. I also mentioned it to Mr de Cotret. I also mentioned it to Jim Bradley, who was the Minister of the Environment, and I have carried this on to over Ruth Grier. They know my stand on that.

**Mr Wiseman:** I would like to clarify something. A number of times today the opposition has indicated that your rights have been eroded by this current legislation. This is not the case. The minister has emergency powers and has the right to do pretty much whatever she wants or what is necessary.

An example of this is the P1 landfill site in north Pickering, which was determined to go there behind closed doors by the former Premier and a couple of regional chairmen. It was put there under an Environmental Protection Act, which is an abrogation of your rights under the Environmental Assessment Act. This was done without any legislation. It was done by a caveat of the minister and of the previous Premier and it was unappealable. In the



minds of those of us who fought that proposal there was not any possibility at any time that the P1 landfill site, which sits at the headwaters of three rivers and on top of groundwater, would ever not become a landfill. So when the opposition starts talking about taking away your rights, certain limitations of the Environmental Assessment Act are included in this bill.

But this is a bill and it is going before the Legislature. What they did at P1 and site 6B in Brampton was to do it without ever coming before the Legislature with the bill, without ever coming before any kind of committee and without ever consulting the people who are involved in those communities. I think when you hear that, you have to be very clear that this bill greatly restricts the powers that the minister has to do a number of things. If I had more time, I would go into them in some detail.

For example, it restricts the rights of the minister to expropriate land for a landfill site until a certificate of approval has been granted. In north Pickering, both the federal Liberals and the provincial Tories expropriated 43,000 acres of land for an airport that was never built. If you want to talk about the rights to expropriate, those rights are restricted by this bill. The rights of the minister are restricted by this bill, so it is contrary to what they are saying. This bill is better in the sense that it does say exactly what the minister can do and what she cannot do, and this is a big difference from what the previous government did in my riding for P1, by just dictating that there would be a landfill site on government-owned land in the north end of my riding.

I am getting just a little bit tired of the insinuation that the minister is going to use draconian powers. Those powers have been there and they have been used in the past. This bill says that this minister cares about the legislative process to the extent that she brought it before the House in order to debate it in the House.

**Mr Bisson:** Just to follow up on that very quickly, the other point that Mr Wiseman is referring to is that under the bill it should be understood that there would not be a possibility of doing an EA on such a situation as Kirkland Lake, because the whole right of being able to ship the garbage out of Toronto in the first place is exempted under the bill. There is no question of somebody's rights being abused, because you cannot get the process going because it is not allowed out of Metro in the first place.

I just want to go through, first of all, that your presentation gave quite a bit of fact—

**The Chair:** The question. I have another person from another caucus. The time is up for your caucus. If you want to place your question, you may.

**Mr Bisson:** The question very quickly is that there are a lot of facts brought forward through your brief. One of

the things that I hear quite a lot coming out of Kirkland Lake is that people feel as if not all the facts are coming out. What do you attribute that to?

**Mr Dennis:** I think people are being misled. I think there is a government publication, the EA Update, that would benefit people. It is free from the government for anybody who is interested in it. It goes into the rules for exemption. It is something anybody who wants to be educated on the environmental assessment should definitely read. I think most people in Kirkland Lake are believing other people's interpretations and are not looking any further for their own. I think basically they should definitely look into this environmental assessment.

**Mr Solá:** I have to rebut the statement Mr Wiseman made about accessibility, or the belief of the Minister of the Environment in the legislative process, because had it not been for the two opposition parties, this would have been law with three days worth of debate. It was just the fact that both opposition parties opposed the rushing through of this bill that let the people who are affected have the opportunity to have their say. All Bill 143 does is assure that in the future the minister will be able to avoid public scrutiny at her whim, because she will be the deciding factor of what is a crisis and how that crisis will be solved. I just wanted to reiterate that, and tell you that by supporting Bill 143 you are actually putting a muzzle on yourself in being able to present your views in the future to a government panel like this.

**Mr Dennis:** Might I respond to the gentleman?

**The Chair:** You have just a minute remaining.

**Mr Dennis:** I have read the Environmental Assessment Act several times. I understand that the bottom line reads that the Minister of the Environment has the power to do what the Minister of the Environment chooses to do, regardless of which party. I am afraid we all have to live with it.

**The Chair:** Thank you very much for appearing before the committee today. I want to thank you for taking the time. All members will receive a copy of your presentation.

I have some housekeeping for members of committee. The standing committee on social development will reconvene at 2 o'clock this afternoon to continue hearing presentations.

At this time, for the information of committee members and staff, please see that your luggage is in room 105 before 1:30 pm, when the room will be locked. All the luggage must be there; that is the holding room.

Because of the shortness of time between this session and the next, lunch has been arranged for committee members and staff in the adjacent room. After you have moved your luggage, you can get lunch there.

The committee recessed at 1242.

## AFTERNOON SITTING

The committee resumed at 1401.

**The Chair:** The standing committee on social development is now in session. Please come to order. I would like to welcome everyone this afternoon. We are having public hearings on Bill 143, Waste Management Act, 1991. Can everyone hear?

## PACAUD-CATHARINE TOWNSHIP

**The Chair:** I would like to call our first presentation for this afternoon, Pacaud-Catharine township. Please come forward, take your place at the table and begin your presentation by introducing your delegation. You have 20 minutes for your presentation and we ask if you would please leave a few minutes for questions from committee members. Would you begin your presentation now, please.

Order, everyone. I would ask for quiet, please. Please begin.

**Mr Morin:** Good afternoon. My name is Jean-Jacques Morin. I am the chairman of the Pacaud-Catharine local roads board. I am also a committee member for the north Timiskaming local government study. I am pleased to be here to make a presentation before the committee regarding Bill 143, Waste Management Act, 1991.

The people of Pacaud-Catharine township were never given the chance to voice their opinion or make their concern public in an open fashion regarding an environmental assessment for the Adams mine proposal to import greater Toronto area garbage. It is not democratic for a municipality like Kirkland Lake to have a referendum for an area outside its municipal boundaries. They also did not allow the people of that area to vote or participate in the issue. The referendum question was politically motivated. The question should have been clear, honest and to the point, such as, "Do you want Toronto garbage, yes or no?" The results would have been totally different.

In my view, a lot of people have been misguided with the Adams mine proposal and presentation. They have also been misled with the referendum question during the November 12, 1991, municipal election.

The Adams mine proposal and the north Timiskaming local government study, which is to establish regional authority over unorganized townships, both started in the fall of 1989. At the July 16, 1990, north Timiskaming local government study committee meeting, Germain Lacoursiere, who is a senior adviser of the Ministry of Municipal Affairs, emphasized that that waste proposal was not part of the study and it would not be discussed any further. On April 22, 1991, an 11th resolution added at the last minute called on the provincial government to allow the Adams mine proposal to proceed with an environmental assessment. This resolution was moved by a committee member whose brother is one of the major shareholders of Notre Development Corp and was seconded by the reeve of Larder Lake. This shows Notre Development Corp tried to manipulate different ministries and municipalities.

In my view, the local government study is biased and will permit Kirkland Lake to have control over the Adams

mine site because of the influence from Notre Development Corp, which took advantage of the desperate unemployment situation in the area. The motives of Mr McGuinty, president of the corporation, are for his own personal gain, and not for the best interests of the environment or the community.

I support Bill 143. Each region would then have to take on its own responsibility to reduce, reuse and recycle. We should prohibit the export of waste and long-distance transportation by road or by rail—no more out of sight, out of mind approach to garbage.

In this area, approximately 1,000 feet above sea level, geographically speaking, water flows south from the Adams mine site. The Misema River, which runs by the Adams mine site, ties into the Blanche River and then flows into Lake Timiskaming, which is the origin of the Ottawa River. As you also see on the map you have in front of you, the railway goes through the whole township of Pacaud. Kirkland Lake and Larder Lake are not jeopardized by the water flow or the transportation regarding the greater Toronto area garbage.

I will put a little humour into it. Our primary concern is to preserve the environment and the wealth of the land. Short-term jobs are not worth the wealth of the land. Garbage or trash in your backyard will not increase the value of your land. Tourists do not spend cash to see the trash. Fishermen do not put sick fish in their dish. It is a shame to hunt for lame game.

As a proud northerner, I am dismayed by all the garbage activity. We have the yes and we have the no to separate our communities. I hope the garbage problem will be solved soon and all the wounds will heal. Let Bill 143 set us free and let the next generation make better preparation.

**The Chair:** Thank you very much for your presentation. I would like to thank you for appearing before the committee today. I very much appreciate your coming. I would like to call next—

**Mrs Mathysen:** No questions?

**The Chair:** Nobody pointed out to me that they were interested in asking a question. Mrs Mathysen, question?

**Mrs Mathysen:** Thank you for your presentation. I appreciated it very much. You are a resident from outside of Kirkland Lake. I wonder if you could clear something up. I have heard some varying information about how far the nearest person living adjacent to the Adams mine lives from the site. I have heard six miles or six kilometres, and I have also heard that there are only 24 people in Boston township who are more or less affected. Is that an accurate description of the affected population, or could you give me a sense of who outside of the town of Kirkland Lake is affected?

**Mr Morin:** I really appreciate you asking the question. I will get into a little bit more detail. I was hoping I would make a short presentation to be able to handle many questions, and I guess I must have been wrong, because nobody was prepared. I have been accused of doing many



things, like taping the meetings. I am glad—I have already confirmed that with the clerk—I am allowed to tape, because on the local government study, the Ministry of Municipal Affairs had a vote and did not allow taping.

**The Chair:** For your information, and everyone else who is watching, Hansard is recording everything that is said at these meetings. It becomes part of the public record as well as all the presentations that are made, and Publications Ontario will have the Hansard available in about two weeks so that everybody will be able to read and review exactly that was said. It is perfectly okay for you to tape if you wish, but the record is being made by Hansard, which is run by the Legislative Assembly.

**Mr Morin:** Thank you. To get back to your question where you asked how many people, we have been given figures by the Ministry of Municipal Affairs regarding very many different issues. As you look through the documents you have in front of you, you will find that people were there because of intimidation. Everybody agrees they were there because of intimidation on that committee. They gave us figures. They said there were 28 households in Boston and they gave us a whole outline of all the different townships, but I am not from Boston township, as you will see on your map. The area I am from is highlighted. We have two townships and we are the most affected immediately after Boston township. I own property up to three quarters of a mile from the railway. I listened to a few presentations this morning, and I heard some pretty harsh accusations. At no time has anybody in the township of Pacaud or Catharine been approached by any municipality that was requested for the host area to make decisions for us.

1410

The local government study is not put to an end. It is still dragging. As you can see, you have the newspaper clipping of Thursday, February 6, 1992. This study was supposed to be done within a year. It started in 1989 and it is still dragging, because where I am mentioning this local government study, they allowed an 11th resolution. It is an environmental question, it is an environmental problem, and it was addressed to the wrong ministry. It should never have been brought to the attention of the Ministry of Municipal Affairs.

**The Chair:** Question, Mrs Marland?

**Mrs Marland:** I was just wondering, M. Morin, if you would have any difficulty with the environmental process going ahead so that you might then learn that there may not even ever be a possibility of using the Adams mine site?

**Mr Morin:** I do not understand your question.

**Mrs Marland:** I am trying to look at this from both sides of the issue, and I am very glad to be here to hear from the people in the community rather than learning and hearing about it in Toronto, but I am trying to understand what there is to be lost by going to a full environmental assessment if this government would permit it. I recognize that the problem with Bill 143 is that it does not permit it, but if we could get an exemption or get the bill amended

so it would permit a full environmental assessment, what difficulty would you have with that?

**Mr Morin:** I wish I could agree with your view, but we all have different views. You can see the map. I am immediately affected and I represent the people of those two townships which are highlighted. If we did favour an environmental assessment, the way you are putting it, does it mean to bring greater Toronto area garbage to the Adams mine site, or is it just an environmental assessment for northeastern Ontario?

It is a complicated question. If you would be more specific, and if the referendum question had been very specific, "Do you want Toronto garbage? If you do, we'll have an environmental assessment"—if not, then why spend the money for an environmental assessment if the people do not want the garbage?

We do not want the garbage, because if we do accept the garbage in a big hole, we will have a megadump, we will lose our identity, plus our property will depreciate. The other thing is that the 3Rs—reduce, reuse and recycle—will not be practised. So the whole bill would be a complete waste of time. All the time of the whole committee, including yourselves, would have been a total waste of time. It would have been more like a charade.

I hope we have some kind of government to protect us. As was said here today, everybody heard it that the outside communities were all supporting. The district of Cochrane is going to be making a presentation here today too. How come there is another municipality, called Black River-Matheson township, which is Matheson, and it was not supporting the proposal? They were asked to endorse it and they refused to endorse it because the people will not take the responsibility. I can quote that, that Matheson will not endorse it. So they jump to the next community.

How come some of the unorganized townships were not asked? As you can see on the map, we are the most affected. Automatically we will question it. Why should the railway go right through our township? It is not a matter of population, how many people live there. We have never at any time—until this local government study is done, if the boundaries are moved, then the area authority will have jurisdiction. Until then, we still have our rights, we have the right to voice our opinion, and this is the first time we have ever had the opportunity. I am glad I was able to relate how the Ministry of Municipal Affairs relates to the Ministry of the Environment. I do not think that should have been accepted.

**The Chair:** Mr Sola, you are next. I have a question from the parliamentary assistant on your map. You do not have it well marked, but is this where the mine site is on your map?

**Mr Morin:** That is the pits, the tailings, and that is where the mine site is.

**The Chair:** Thank you. Mr Sola, you have the floor.

**Mr Sola:** Sir, you have said that you represent the people of Pacaud and Catharine townships, and you mentioned that you are also on the northern Timiskaming local government study. You are claiming to represent the people of that area. Have you been elected by those people, have

you been appointed to these posts; in what capacity do you represent the people in that township?

**Mr Morin:** I have been elected. We have elections every year, and I have always been elected with a majority.

**Mr Solá:** Fine. I would like to comment on your second paragraph. You say, "The people of Pacaud-Catharine townships were never given the chance to voice their opinions or make their concerns publicly." Then, on the last page, you state, "Bill 143 set us free." Bill 143 will just put the final touch to never giving you the chance to voice your opinion again, because it will give the Minister of the Environment the ultimate and sole authority to determine what is a crisis and how to handle a crisis.

Do you not see the contradiction? You are complaining about not having your voice, and you are giving support to a bill that will ensure that you will never again get to have a voice.

**Mr Morin:** I think it is you who missed the point; I do not think I am contradicting myself at all. Whereas I say we are supporting Bill 143, we have never, ever given the right to Kirkland Lake, Larder Lake or Englehart to represent us. We were never approached; they took it upon themselves, so why should we not leave it in the power of the minister, who is making a decision at the time in our interests? It is not the Minister of the Environment who has draconian power, it is the mayors of the local area.

**Mr Wiseman:** My question has to do with the location of the mine site. Is this north? Okay. Perhaps you could explain the drainage patterns. What would be the impact on the local river system when it leaks?

**Mr Morin:** As you see, the railway goes right through Pacaud, and then the Misema River goes right through Catharine. There is Boston Creek and many other streams, all those streams that you see highlighted in blue. That is a map from the Ministry of Natural Resources. We have people here from the Ministry of the Environment in Timmins, and I am sure they can really point out that this is a right map. All that water would flow through the two townships I represent, Pacaud and Catharine.

**Mrs Marland:** To get back to why you are opposed to the environmental assessment, if your concern is that as a result of the environmental assessment this community, which impacts your community, as you have described, would end up accepting a contract with Toronto or Metro for its garbage that helped this community economically, if it was environmentally safe, why would you still be opposed to it?

**Mr Morin:** It would be nice to be able to quote you on what you are saying, but there is no way we could sell it. I am not a slick seller, and I kid you not. All I am doing is trying to keep the people's best interests at heart, and the reason I would not support it is that we all know that it would be economically unsound.

**Mrs Marland:** Why would it be?

**The Chair:** Mrs Marland, you do not have the floor.

**Mr Morin:** It would be environmentally costly and economically unsound. We cannot predict the costs of transportation. Right now in Toronto, it is impossible to

transport it far. It was thought before that transportation was a high cost, so why would it mean it would be cheap to transport it into a bigger hole? The recyclables would be left in Toronto; what we would be getting is the trash. We do not want your trash, because the 3Rs would never be practised.

1420

**Mr Ramsay:** I want to talk about just the bill in general and why I am against it and not the Adams mine proposal, and I want to ask you, would you support a bill such as this that would give the Minister of the Environment, and any future Minister of the Environment, the power to dictate without any public participation or environmental assessment where a dump would go? A future Minister of the Environment could say, "The Adams mine site is where Toronto's garbage is going to go."

**Mr Morin:** To make it clear, my understanding is that Bill 143 is mostly directed to the problem in the greater Toronto area. That is where the bill would be most effective. I understand your point, what you are saying, but right now we have people just taking advantage of those powers which we do not even have a right to vote on or have a say on. They could put it right in our backyard because the mayor made a deal. It has all been engineered. I would not say by whom, but we know it has all been engineered. That has been highly promoted, and it sold well. It was even sold to the Ministry of Municipal Affairs.

**The Chair:** Thank you very much, Mr Morin, for the presentation. We appreciate your taking the time and coming to speak to us. All members of committee have received a copy of your brief.

**Mrs Marland:** Madam Chair, can I say something? I just want to explain to the people present that because I was subbed into this committee for yesterday and today, and the flight leaves at 3:20, I have to leave now. But I want to assure the deputations that make their presentations this afternoon that I will be reading fully their presentations in Hansard. I apologize for having to leave, but I understand it is the only choice with the flights out of here this afternoon.

**The Chair:** Thank you, Mrs Marland. I would like to call next Roger Richards.

ROGER P. RICHARDS

**The Chair:** Mr Richards, would you begin your presentation now, please? You have 20 minutes in total.

**Mr Richards:** Madam Chairman, honourable members, I would like to thank you first for the opportunity to express what are my personal views. I am Roger Richards, a very concerned citizen of Kirkland Lake and a local business operator.

I come before you today to express my concerns regarding the proposed interim waste bill, Bill 143, particularly part II, waste disposal sites. I personally believe this proposal as currently written is totally against the great democratic system of government that the people of this province, indeed this country, have fought for and, yes, have died for, done so that we could live without dictatorship



or tyranny. This very system of government has been synonymous with the free world.

I will address specifically part II, waste management, regarding environmental assessment, subclause 14(1)(a)(iii): "An environmental assessment for a landfill waste disposal site referred to in section 12 is not required to contain...use of other single landfill waste disposal sites in the primary service area."

Also, clause 14(2)(a): "The environmental assessment is not required to contain any description of or statement of the rationale for, or any description or evaluation of any matter relating to...an alternative of waste reduction or reuse or recycling if that alternative would involve incineration of waste or the transportation of waste from the primary service area to any other area."

This wording can only refer to the proposed Adams mine waste reuse and recycling unit, a proposal which Minister Grier has made quite clear and in no uncertain terms she is personally and dictatorially against, one that she will personally not allow to benefit from an environmental assessment for feasibility studies.

We, as much as anyone, are concerned about waste management and environmental protection. This is why we sought and voted for an assessment. An assessment will determine the feasibility and environmental safety of such a proposal. The people of Kirkland Lake have not said yes to garbage, but rather an assessment to determine whether or not the location of a garbage waste, reuse and recycling facility should become a reality. We need to determine whether the benefits of such a proposal are sound. This can be determined only by the environmental assessment process.

Both opinions regarding this issue have validity. The only commonsense approach to this matter for all concerned is an assessment. Should an assessment show it is unfavourable, that would be it, once and for all. Should it prove favourable, then the next consideration could be studied.

Kirkland Lake's people, to some degree, see this proposal as a chance for honest work, doing something positive towards recycling, beneficial diversification from a shrinking resource base such as mining and timber and a chance to rebuild a community—in other words, plain and simple, jobs and hope for a future.

Through all the discussions surrounding this proposal, I have yet to see a positive, feasible plan for Kirkland Lake in terms of economic stability other than the Adams mine recycling project. Let's at least have the opportunity to explore this proposal. All we have heard to date from the minister, Mrs Grier, is a flat no. Not only is Mrs Grier so opposed to this consideration, she is prepared to bypass the procedure of environmental assessment for the further use of the Keele Valley site so as to defeat any possibility of the Adams mine site proposal.

This reeks of a close-minded government, an uncaring government and, yes, a non-democratic government. I have always believed in and stood proudly for a government of the people, by the people, for the people. My father served in the Second World War for this principle and against dictatorship. I served in my country's armed

forces in the cold war period in the same belief. "For the people" means all the people, not only those who may have voted for the sitting government.

For too long, the people of northern Ontario have been ignored and passed by. During our recent municipal election, a referendum vote was taken on whether or not the people of Kirkland Lake were in favour of an environmental assessment of the Adams mine waste disposal site. The results were a solid 69% of the voters stating, "Yes, we want an assessment so as to be more fully informed." Are we being told again that the government refuses to acknowledge the wish of the people; that the same government which espouses the democratic process as its mandate, now that it is in office, will refuse to follow its own party line? Where is the process of, by and for the people?

Is the NDP government telling the hardworking people of Kirkland Lake that they, the people, are not capable or intelligent enough to know what they want so as to reach an informed decision? Or is this a case of simple retaliation on the NDP's part for our having the audacity to not elect the representative for the NDP in this riding?

As a citizen of this country, this province and, more important, this town of Kirkland Lake, I have followed closely the events surrounding Bill 143. I am surprised that persons who, by their own words, represent a good majority of the people of Kirkland Lake who are in favour of this bill, would see fit to speak on this matter in Toronto rather than in the town they claim to have so much support in. But then, true to form, one of these same persons indicated in our recent election he would follow the people's mandate on the earlier-referenced referendum, provided, of course, they voted the way he felt—this from the same person who has stated he requested an open referendum some three to four times from local government and then, when the referendum was put on the voting system, refused to vote on the issue himself. If this person and his group of environmentalists are so concerned, why are they not protesting the proposed bypassing of an environmental assessment of the Keele Valley site?

As a candidate for council in our recent election, I tell you now, the people who have worked in the mines, the forest industry and the service sector and everyone else said yes—69% yes. We may not live in a greatly populated area, but we are, none the less, as well informed as any other citizens of Ontario. We have asked for the assessment so as to make a more informed decision on the proposed site at the Adams mine. We are asking for the opportunity to see if it would be beneficial economically, socioeconomically and environmentally to our area.

The enactment and passing of Bill 143 is the greatest slap in the face to the people of our town and the greater Toronto area, and indeed Ontario as a whole; the people like my father and the multi-ethnic groups that, for years, supported the NDP when it had few seats in government, these very same people who had the faith that some day they would see the NDP in power. The eyes of many will be watching to see if indeed the NDP government is truly the government representative of the working people, if they indeed believe in the right to bargain in good faith.

I suggest to you here today that the passing of this proposed bill without amendments or alternative considerations will speak loudly and clearly that what we are burdened with is surely a dictatorship of ruling by might rather than right. We have seen in recent years the greatest physical symbol of socialism and dictatorial government, the Berlin Wall, come crashing down. The people look to the west and democracy as an example of life. Should the present government of Ontario and the honourable Ruth Grier ram this Bill 143 without due consideration of amendment, they will be laying down the first brick of a new wall between the people and the presiding government. This cannot and must not take place. Please live up to your party line.

I would like to thank each and every one of you for the opportunity to express my views.

1430

[Applause]

**The Chair:** Thank you very much. Order. As I said before, it is really important, whether you agree with the presentation or not, that you just allow the presentation to go forward. The demonstration that you make just takes time away from questions that could be asked. Mr McClelland, you have the floor.

**Mr McClelland:** Sir, I might add that from time to time as we are talking with others or whatever, all the material will be read. That goes for all the other presenters as well. As Mrs Marland said, I want to assure all deputants that we will take, and indeed do take, the time to go through everything that is said.

With specific reference to what you have said here, I noted today in one of the Toronto papers that Mrs Grier has said there will be no changes and we should not have any hope for it. I guess that has to call into question why we are going through this process. Is it a sham? I can only ask those questions. Do people really want to hear? It has been my hope that the New Democratic Party members sitting on this committee, many of whom I personally regard as friends and very decent people, will rather begin to fight for the people of northern Ontario and the people of this province in terms of democratic rights and principles that they once espoused.

I have asked, and I have not heard from people a direct answer. I heard somebody, actually, from the back say, "Yes, yes, yes," when I asked that question, somewhat rhetorically. Do you not understand, sir, the very things that you said? This bill is not just about Adams mine; it is about some very fundamental principles that can be turned back against people.

Mr Jean-Jacques Morin said that he does not believe in the proposal, but surely people such as yourself would believe in the right to argue, to put forward your cases honestly and openly, and to believe they would be considered. You said it so well. If I were to say it, I would be accused of being dramatic, but you, who served this country in the armed forces, said it well, that people are laying their lives on the line for principles that are at stake in Bill 143.

I hope that message will be heard, and I hope my friends on this side will decide that it is time not to roll

over and die and buy the party line, but to understand that you cannot have principles applied in one part of the province and different principles in another part of the province at different times. These principles are fundamental to what we are all about in this society, and one of them is the right of people such as yourself to be heard, to have a voice, and to have the law that you fought for and stood up for respected.

**The Chair:** I have allotted approximately five minutes for each caucus. You have just used about two of them, Mr McClelland. There is five minutes and I have four speakers, just to let you know.

**Mr Richards:** I appreciate your remarks. I am a firm believer that all bodies of government, when approached by the people, will listen. I believe they are taking to heart that whoever is a representative of the government in this province or this country, once they are addressed by the people and if the people speak loudly enough, will in fact listen. It is my hope that by coming here today, my one voice may help to make an amendment to this bill. That is why I am here. I believe in the governmental system of Canada.

**Mr Bisson:** I would like to start off by saying that I too served in the Canadian armed forces as a member serving my country. I too believe in the democratic principle, and do not see Bill 143 as in any way changing the democratic process.

My question is twofold. You state at the beginning that you are a person from the small business sector, so obviously you understand the economics of this. What you are referring to in subsection 14(2) is that the question of doing an environmental assessment on this particular project is a non-starter because the bill precludes and does not allow the option of transporting waste out of a community.

As such, if the bill says in 14(2) that we are not going to allow as an option the transport garbage out of Toronto or any other municipality to another, why would we spend \$10 million, \$15 million or \$20 million on an environmental assessment that in the end would be terminated as not possible to do because of what the bill says? This is a crucial argument in this whole thing, because if I have heard one thing from the presenters and if I hear the members of the opposition, they are saying we should allow this EA to go ahead in order to take a look at this project. But what the bill says—you have to understand what this bill is all about—is that the municipality shall deal internally with its own waste problems.

We have put the onus on the municipalities to get into a program of reducing the amount of garbage within those communities going into landfill sites, and the rest of the 3Rs. If we are excluding transportation as an option, the reason we are doing that is because we do not want to be able to pass the buck by sending the garbage out of the community and deferring away any ability we have to deal with reducing the amount of garbage within a municipality like Toronto. If through this bill we are saying we are not going to allow garbage to go out of Toronto and come to another community such as Kirkland Lake, why would we spend \$10 million, \$15 million or \$20 million on an



environmental assessment when in the end it does not matter what it says, we could not do it because of the bill?

The second part of it is that a lot of people in this community feel that if we go ahead with the EA, somehow they would be able to stop the project. But I say if you go ahead with an EA, you do not stop it, because once a decision has been, it has been made.

**Mr Richards:** Not to be ignorant, but I sort of lost sight of your question because you went on so long. First I will address the economics of my business in Kirkland Lake. The devastation of the loss of economics in Kirkland Lake—

**Mr Bisson:** One moment. I went about as long as—

**Mr Richards:** Excuse me, if I may. Madam Chair, may I reply?

**The Chair:** Yes. Please allow him to reply.

**Mr Richards:** In the first place, my business has not suffered because of the economic devastation to Kirkland Lake. So it is not based on what I will gain from it. I am answering your question, if I may, without retort.

Second, the reason that I have asked for this and that it has been—the Adams mine site was proposed some two years before this was even discussed. I have yet to see another alternative to the Keele Valley landfill site. So I am not asking necessarily that this be changed. But if you are going to have landfill sites, then there should be alternatives other than just the arbitrary statement that this is and will be the only one.

**Mr Bisson:** No, but you did not answer the question.

**The Chair:** You do not have the floor, Mr Bisson. Your time is up. Mr Ramsay.

**Mr Ramsay:** Thank you very much, Roger, for a very passionate presentation before us. It is interesting to look at the present situation of waste disposal in Ontario today. Unlike what one of the members of the panel just talked about, how this government is against the exportation of garbage from one jurisdiction into another, this government allows right now the transfer of garbage from Kingston to Ottawa. Also I believe Halton county garbage goes to New York state. It is exported right out of the country. I do not quite understand the two-faced nature of this and what is going on.

I think it is imperative for this government to come clean and to tell people where it really stands when it comes to waste disposal. I would just like to ask you, Roger, why you feel the people in Kirkland Lake who are against environmental assessment fear that. What is there to fear in having a full environmental assessment on this proposal?

**Mr Richards:** I am not really sure what their fears are. To be fair, I think in some respects there has been a lot of misinformation all the way around this issue in understanding what the environmental assessment process is. I firmly believe within myself that it will settle the issue for both sides. It will clear it up for the people of Kirkland Lake. This has divided the town. There are people who are for and against. It has divided friends. In some cases it has divided even family members.

I firmly believe in people having the right to express that opinion, but it is not coming to a decision that is pleasing to everyone. The best system I know to do that is the environmental assessment process. Let's settle the bloody issue and get it over with one way or the other.

**The Chair:** Mr Wiseman, you have one minute.

**Mr Wiseman:** I have to raise the issue of the transportation section as well. If the environmental assessment process were to go through as you have described it, not only would you put Kirkland Lake on the list, but you would put on Ignace, Timmins, southwestern Ontario, Lambton, Plympton, Marmora and Pickering. I have to tell you that one of the things I have fought against for a long time is to make sure Metro cannot bring its incompetent landfilling techniques back to my riding, even though they have tried to do it three times.

I think it is important for you to understand that if you are asking me to open up the whole section to the Environmental Assessment Act, you are doing a number of things. You are asking me to put my constituency back on the table. You are also going to prolong the process, and there will be no landfill site anywhere in Metro for Metro's garbage within the time frame that is necessary for Metro to have a landfill site.

**Mr Richards:** I still have not heard a question, but thank you very much for your time.

**The Chair:** I want to thank you very much for your excellent presentation.

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#### CENTRAL TIMISKAMING ECONOMIC DEVELOPMENT CORP

**The Chair:** I am going to call next Central Timiskaming Economic Development Corp. Please come forward. You have 20 minutes for your presentation. Would you begin by introducing yourself and leave a few minutes at the end for questions.

**Mr Wilson:** I appreciate the opportunity to come before you today and make a presentation on Bill 143. I am the director of the Central Timiskaming Economic Development Corp, which represents nine communities in the central Timiskaming region. Two of these communities, Englehart and Larder Lake, are part of the proposed host region for the recycling centre, and presentations by the heads of both councils were made to you this morning.

Part of my job is to support and improve the economic base in the region. This is no small task, especially in northern Ontario. Before some of you are tempted to discount what I have to say, let me assure you that economic development officers do not promote unbridled development for its own sake. We must take into account the needs and aspirations of the communities we represent, and that development must be sustainable. It requires the assessment of the strengths and weaknesses of each of the communities, trying to identify possible barriers to development and how to overcome them, and also identifying potential opportunities which can be undertaken to the benefit of the community as a whole.

I see some of the best potential for increasing employment in the region by further processing or adding value to products which are already produced in the area. These products are primarily based on the natural resources we have in our area, and for far too long the value added portion has been traded away and shipped off, usually to southern Ontario.

Much of the employment in our region is based strictly on the current reserves and the cost of raw materials, thereby establishing production levels. A decrease in demand automatically results in less employment. Conversely, adding value means less reliance on the availability and cost of the raw material. To provide a forestry industry example to what I am talking about, the doubling of a pulp mill's capacity will yield little additional employment in the plant while culling twice the resources. However, adding a fine paper line will significantly increase employment without using more wood. The result is a better return for the community on the resources used. Recycling is also an example of further processing, which means jobs.

This preamble is necessary to clarify my objection to Bill 143, specifically part II that denies the transporting of waste outside of the Metropolitan Toronto area. We are not allowed in the legislation to have our alternative considered or an assessment carried out on the potential environmental impact of that alternative.

Through years of working in the field of economic development, I have learned that one person's waste is another person's resource. Minister Grier seems intent on calling it "garbage" as opposed to "waste." This is mere semantics. Her ministry, on the other hand, considers it a valuable resource. By example, refer to the opportunities highlighted in the Canadian Waste Materials Exchange publication which you will find at the end of my presentation. This includes the Ontario Waste Exchange component, which is sponsored by the Ministry of the Environment, the Ontario Waste Management Corp and Ortech.

This valuable system tries to bring together the waste of one industry with the needs of another. Once enough waste is identified, it creates the critical mass from which we can start to delve into areas of possible value added opportunities. One restaurant's waste grease has little value; the amount generated city-wide does. As you have heard, the costly blue box recycling program will not yield any value added opportunities for Timiskaming district because the amount of waste which will be generated is not large enough to sustain any type of profitable recycling. Once again we will be sending a local resource down to southern Ontario, where it is going to be recycled, thereby generating employment elsewhere.

The opportunity which arose between Metropolitan Toronto and the communities of Kirkland, Larder Lake and Englehart addressed a very real need. For a change, rather than having southern Ontario solutions given for northern Ontario problems, the reverse was the case. Indeed, one area's problem is another area's opportunity, and that is what we were responding to with the Rail Cycle North proposal.

As I have stated previously, we in northern Ontario have sadly become accustomed to the idea of our resources being taken away to be further processed and seeing the employment from this increased value being enjoyed in another community. We have been told that, this being a free market economy, there is little if anything that can be done from a legislative point of view to ensure that such processing is done in the area where those resources have been generated. Now when the direction is reversed and there is an excellent opportunity for enormous benefits to our region, as have been cited by previous speakers, the government has chosen to legislate against the transportation of this resource to a full recycling facility located in Timiskaming.

If the government feels that it can legislate against a legitimate deal between two partners which would see a semi-processed resource from one area being sent to another then I respectfully ask that that same government review the current practices by which the multitude of our resources, be they forestry, mining, agriculture, tax revenue or our youth, end up leaving northern Ontario to be further processed in the south.

As a northerner, I have often mused about the enormous benefits which would accrue if companies were forced to establish their full processing where the resources are, but of course this is unrealistic, hard-line and individual companies would never be able to meet this requirement. The required legislation would never pass. Yet section 2 of Bill 143 does just that. Therefore, I have to ask you, why the double standard? Why is it that when we come up with an opportunity which offers significant benefits to our region by accepting the resource from another area of the province this whole idea is ridiculed, consideration refused, and we are treated like naïve children who do not understand the implications of what we are asking? We understand all too well.

Let me reiterate for you a few of the substantial benefits from this opportunity which would stimulate economic development.

First, the Ontario Northland Railway: As you have no doubt heard before, with the closure of two mines in Timiskaming, there has been a continuous downsizing of the labour force and the maintenance crews for the railway. As Englehart is one of the main railway centres for the ONR, we have felt these effects on an almost monthly basis. If this project were to go ahead, it would generate significant annual revenue, approximately \$10 million, and ensure the economic stability of the railroad for at least the next 20 years.

Without this type of increase in the traffic on the ONR, and if it is losing money over a long period of time, I seriously question whether the ONR will be able to maintain the system in its present form. If it comes to the point where we might conceivably be facing the loss in service that the ONR provides for our area, I can guarantee you that our ability to attract new industry will be dealt a severe blow. This vital infrastructure link is a very attractive but costly asset. Moreover, I can predict with great certainty that if alternative cargoes do not present themselves in the near future, you will see the government of the day lobbied



for grants just to keep the line afloat after a viable opportunity like this was ignored.

Second, the research and development component: In the agreement that was signed between Metro and the host communities, an annual contribution of \$250,000 is to be set aside for research and development related to solid waste disposal and recycling technology. This is made even more exciting when one realizes that this is only the trigger money, that these dollars could be used to leverage more funding through the various provincial and federal programs which are set up to encourage R&D investment. Given the type of R&D under consideration, that of environmental technology which is receiving worldwide interest, this could mean that we can develop leading-edge expertise here in northern Ontario that is in great demand. The positive impact to the economy as a whole is self-evident.

Third, employment: It has been estimated that in the operational phase, approximately 150 jobs would be created. In addition, as was previously mentioned, this would involve some very significant high-technology jobs and research opportunities. This government and its predecessors have paid ample lipservice to the unfortunate fact that northern Ontario youth are migrating out of the region, and the government has been trying to find out reasons for this phenomenon. With all due respect, before embarking on yet another lengthy study, let me offer a simple reality: The lack of jobs and professional opportunities is the reason. This proposal will deliver both. Our educational system can deliver in northern Ontario the technical skills necessary to educate our youth to take on this exciting new industry. The enormous potential benefits of this project are very real to those of us on the front lines.

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In conclusion, I would like to leave the committee with one final thought. In economic development in northern Ontario we are often left with numerous realities which cannot be changed: single-industry towns, small population base, the distances and high transportation costs to market and a host of other difficulties in establishing viable manufacturing operations. We accept the challenge of these realities and are working together to identify innovative methods to enhance our region's economy.

But when we are stymied in our efforts rather than assisted by the very government which has been encouraging us to take matters into our own hands and to be the engines of our own future, it infuriates us all. It is no wonder that throughout the north, a resurgent call for self-determination has begun and a call to recognize our basic rights to live and work here. Thank you very much for your attention.

**The Chair:** Thank you for an excellent presentation. There is approximately 10 minutes remaining. I will divide it between the two caucuses.

**Mr Bisson:** Obviously, in your capacity as an economic development officer, you look as well at other alternatives to develop a local economy. I thought it was interesting this morning that one of the mayors from one of the northern municipalities, when I asked the question, "What im-

pact if any could this proposal have on the tourism industry in northern Ontario?" dismissed the tourism industry categorically. It was not important. Is that your view as well?

**Mr Wilson:** It is not my view at all. Although I represent nine communities, we are not a political organization. The mayors and the reeves do not have a direct link and say, "You'll concentrate on this." We will take any advice we can.

As far as tourism goes, it is important that we recognize that as also being a use of that raw resource that we have. One of the projects we are working on right now is an economic development strategy for the area and a tourism component. That element has to be a part of it.

One of the things that has come up a few times, and people have asked me, "If this proposal goes ahead, what do you see as the impact on tourism?" I am being possibly a little lighthearted here, but it seems to me that if this facility we have been talking about, which is being presented on recycling, can come to pass, then that to me would be a hell of a tourist draw with a lot of people who have been talking about the 3R program and holding that up as something they want their children to very much believe in and their grandchildren to believe in for the future. So why would it not be the physical embodiment of that philosophy? Why would that not be something that they would want to take their children to see? It seems to me that actually a facility like this might have some positive spinoff for tourism. That is not to dismiss the fact that we were talking about one area as opposed to all the tourism we deal with in northern Ontario and that is an integral part of the mix of resources we have.

**Mr Ramsay:** I welcome you, Harold. That was a good presentation. I was wondering if your economic development corporation or if other development corporations in Timiskaming have done any work on potential spinoff industries that could come from such a proposal if it was to go ahead.

**Mr Wilson:** Yes, we have. In fact, the Kirkland Lake Economic Development Corp has put a lot of time into taking a look at possible opportunities and some actual contracts which would be able to come to pass should we be able to get this facility, the further recycling component.

One of the things my office did before I came was to put together some potential things, methane gas being one possibility, to be able to have those exact recycling facilities here on a very product-specific basis. Once you had that critical mass in one area, which is what I was talking about with the waste exchange, there are enormous spinoff businesses that could come. We really will have to do an assessment on exactly the waste that comes in, how we will be able to break it down and what we will be able to offer investors. But when you have enough of that in one area, we are quite excited about the types of businesses we could attract, given that we will have that resource.

**Mr Martin:** I wanted to talk to you for just a few minutes about your job as an economic development officer and let you know that I identify with the struggles, in light of the present state of the economy, and actually

the lack of a larger industrial strategy for the north and how difficult that is. In looking at that, I share with you that we as a government are committed to an industrial development for the north that will be very much based on a value added approach to the things we do best up here, and also local ownership and control.

When I look at this particular project, I see it as very precedent-setting if it goes ahead for the north. As I said this morning, I see again a case of high-grading, where the best recyclables will actually stay and be recycled in the south and we will get the residual or what is left over. I also look at this, as I look at some of the contracts that have been signed in terms of ownership and control, as very much owned and controlled by Metro. In fact, the town of Kirkland Lake stands to get \$1.10 per tonne tipping fee as opposed to the \$150 Metro is now getting where it tips its garbage. In light of that, I have to tell you it causes me great difficulty.

**Mr Wilson:** I appreciate your point about the local ownership and control, and that is something as well. One of the things we are lacking sometimes is entrepreneurs who have the experience and the dollars to make some of these things roll. This is something we are also working on now as economic development officers, to get that.

Regarding your point about the control coming from Metro Toronto, with respect, sir, I would say that one of the problems we also have in northern Ontario is the amount of control that is presented through all the crown land that is out there. There are a lot of municipalities, and our office as well, that would have some wonderful designs to further adapt some of the crown land and bring that under local control. We are stymied in every opportunity we have to really start talking about this. They brought out the crown land as a development tool, as a program, and that never went anywhere, I am afraid. It just ended up stopping.

The fact that Metro Toronto would have some control over this, that could be something that we would like to have more local control over. If enough opportunities spin off, we can have a lot of local ownership of those other things. But given the enormity we face with crown land, as an example, where the control and ownership is elsewhere, I do not see this as being much different than that.

**Mr McClelland:** Mr Wilson, as an economic development director, I would like to put three points forward for your consideration and response. One is the curious switching from time to time, and obviously I have a particular bias, but it seems to be easy to switch from the concept of "resource" to "garbage" as suits the discussion of the day. Do you have any comment on that? The difficulty you have as an economic development director for an area where there are different principles of law applied in different parts of the province and different policies of waste management applied in different parts of the province; does that send any signals in terms of predictability of a government that is willing to change the policy and change the principles depending on what time of day it is and what part of the province you live in?

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Second is the basic question at the end of the day. As economic development director, having looked at a proposal that was determined not to be environmentally sound, would you have any support for that? I think the question is self-evident, but the point I want to make is self-evident too. Please comment.

**Mr Wilson:** Regarding your first point, I agree that semantics get into it. To some people it is garbage, to others it is waste. I have been calling it a resource. We are all trading a lot of different definitions of it, just different words, but I think that is some of the confusion. I mean, the whole idea about garbage—one imagines things that were mentioned by a previous speaker about litter being tossed astray all over the place from this kind of issue. That is not what we are talking about. We are talking about solid waste, something different.

On the second point, it is true that we have been looking at different policies for different areas, but I can tell you truthfully that in northern Ontario we have become quite fleet of foot. We are used to having some of the rights we see in southern Ontario not always being enjoyed here. Sometimes it comes down to land ownership, which is what Mr Martin was talking about. I talk about crown land as a big resource we cannot seem to use.

As for your third point, yes, I think there would be a lot of support out there if this were allowed to go ahead. As I said, we are not talking about development for its own sake. First of all it has to pass the environmental assessment process so that we know it will be safe, so that we know it can be sustainable. Once that happens, there is a lot of support we can get out there and a lot of parties interested in trying to develop this resource.

**The Chair:** Thank you very much for appearing before the committee today. We appreciate it.

KATHY KING

**The Chair:** I would like to call next Kathy King. You have 20 minutes for your presentation. We ask that you begin by introducing yourself for the record. Leave a few minutes, if you would, for questions from committee members.

**Mrs King:** My name is Kathy King. I am a concerned citizen and a nursing professor here in Kirkland Lake. Good afternoon, committee members.

The saying goes that there are two sides to every story. I would like to share with you my experience in obtaining the two sides to the Adams mine story. In the spring of 1990 I attended a presentation by Notre Development regarding the Adams mine site that proposed shipping garbage from Toronto to Kirkland Lake via the railroad. I enthusiastically told my family of this proposal. My husband was elated, but my father was upset. My husband was elated because he drives a train for the Ontario Northland Railway and was working in North Bay as there was no longer full-time employment available to him in this area. This proposal would dramatically increase his chances of obtaining full-time employment close to home. On the other hand, my father had grave concerns about future environmental problems that could be created by such a



massive dump. Amidst family discussions of the pros and cons of this proposal, I decided to become informed on the issue.

As I was gathering my information, I became less enthusiastic and, in the end, became disillusioned and disappointed. I realized that I had to consider the implications such a large project would have on the future. I could not say yes to a project that would create jobs today and pollution tomorrow. Society, both individuals and politicians, must look beyond what is best for "me" today and consider what is best for "us" tomorrow. The future and the environment must always be considered in all political and private sector planning and decision-making. Exporting Toronto's garbage to Kirkland Lake is not an environmentally sensible option; it just does not make sense. Having to accept Toronto's garbage is not right. This is why I support the ban on exporting waste in part II of Bill 143.

Individuals, citizens' groups and communities protesting landfill sites are often in the media. For example, a citizen living near the Keele landfill stated, "They know not the hell of negotiating a community life next to a megadump...the mental anguish and psychological stress wondering what health risks are posed to ourselves and our children, the rampant, migrating rodents that move around freely and the fear of the cycle never ending." However, I cannot recall seeing or reading about a community that was requesting a mega-landfill, except of course Kirkland Lake. Why is this? Normally the prospect of a megadump would cause outrage in any community. Why is it that there are people in Kirkland Lake wanting to take millions of tonnes of garbage from Toronto when the rest of the province is opposing it? I would like to share my analysis with you.

Toronto is experiencing a landfill shortage for its garbage and Kirkland Lake is experiencing economic instability. It just so happens that someone has a site in Kirkland Lake and it just so happens someone has a chance to make a lot of money and sees a profitable opportunity in having Toronto ship garbage to the Kirkland Lake site. People in Kirkland Lake are frightened of losing their livelihood. They want work and they want money. They are told over and over again that they will not have the dump unless it is environmentally safe, that this project will create 100, 150, no, make it 210 jobs and that an environmental assessment will be held before they have to decide whether they want it or not. I quote the mayor of Kirkland Lake, "All we want to do with that assessment is to get the facts" and, "How can you have a referendum until all the facts are in?"

When you receive such information as we have in Kirkland Lake, who would not say yes to any proposal that promises 210 jobs and environmental safety? But what I discovered during my personal research alarmed me.

1. From the US Environmental Protection Agency, "Even the most sophisticated landfills ultimately leak."

2. An environmental assessment cannot and will not guarantee environmental safety of a landfill site.

3. Kirkland Lake could not make the final decision on accepting or rejecting Toronto's garbage after the comple-

tion of an environmental assessment, as this decision would be made by the provincial government.

I know these facts, as do the committee members before me, but many people in Kirkland Lake were not aware of them, so when asked, "Are you in favour of a full environmental assessment of the Adams mine solid waste disposal and recycling project?" it begged a yes answer, because we were told that if the project was not totally safe, we did not have to accept it. I voted no because I knew what the question should have asked, "Do you want Toronto's garbage?" I voted no because I was aware of and concerned about the long-term implications.

Why were the citizens of Kirkland Lake insufficiently informed regarding both sides of the story? In my opinion it has to do with the various groups that took on the responsibility of educating the public; namely, the municipal government, Gordon McGuinty, FACTS committee and REEPA.

First, the municipal government: The town council did not provide any public forums by which the citizens were informed of the weaknesses of this proposal. Public input was allowed at two council meetings only, 15 minutes prior to the signing of the contract and for less than one hour prior to the passing of the municipal question. You can hardly call this public participation. On two occasions I requested that town council play an informative, educative role; for example, to invite the Ministry of the Environment to speak about environmental assessments. However, nothing ever transpired. I have been repeatedly disappointed in what I have observed and experienced at town council meetings. I thought autocratic leadership had gone out with the 1950s.

Second, Gordon McGuinty of Notre Development: Mr McGuinty presented the proposal to the public. It must be remembered that he is reputed to make \$35 million if the proposal succeeds. I therefore question the objectivity of the information presented. I attended several of Gordon McGuinty's information sessions. I remember at one session concerns were raised regarding seagulls, methane gas, pollution etc. He informed us this would not be a problem; in fact, we could see for ourselves by touring Keele landfill site. I ask, if the Keele site is so safe and aesthetic, why did the mayor of Vaughan state: "Garbage blowing in all directions, dust, seagulls. It is a disaster and we would like to see it end. There are very grave concerns...What happens with effluent that is brought to the disposal plant? Is the disposal plant able to detoxify...all the chemicals before it goes to the lake?"

Now, why is there such a discrepancy? Who does one believe? A man reputed to make millions or a citizen living near a megadump? In addition, the information presented by Mr McGuinty was supported and reinforced by the municipal government, various business associations—for example, the chamber of commerce—and the media. If you hear and read something often enough, and it is something you want to hear, it is easy enough to start believing it. Unfortunately, this is what I feel has happened to some of the people in Kirkland Lake.

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3. The FACTS committee, Committee for a Fair and Corroborated True Study of the Adams Mine Proposal: The FACTS committee paid lipservice to being neutral when in fact it just reinforced the information Gordon McGuinty presented.

4. REEPA, Responsible Environmental and Economic Prosperity Association: REEPA is a group of concerned citizens of Kirkland Lake and surrounding area who oppose the transporting of Toronto's garbage to Kirkland Lake. This group encompasses a cross-section of all age and socioeconomic groups. The most distinguishing characteristic is that they are not motivated by personal financial gain but rather because they care about their community, their environment and humanity in general.

However, local media and municipal leaders have been very slow or negligible in acknowledging this. Mayor Mavrinc in a letter writes that "these dissenters, who are at best a select group of friends, are irresponsible, to say the least." REEPA has been labelled radical and uninformed, but believe me, many of them are more informed of the facts than are those who scorn them. It is difficult for the public to believe a group of citizens who are denounced by the town leaders each time they try to make a statement.

What the last two years have demonstrated to me is that the past municipal government failed in its responsibility to provide the citizens of Kirkland Lake with both sides of the story. It was not the responsibility of Gordon McGuinty, the FACTS committee or REEPA to inform the citizens of the pros and the cons. This was the responsibility of those whom we elected, the town council. Town council relinquished its responsibility in exposing potential weaknesses by relying on an environmental assessment. I criticize this elected body for not exposing the weaknesses along with the strengths of this proposal during the past two years. Whatever the citizens voted last November 12 in the municipal question was based upon insufficient information. Had the citizens been fully informed I believe the outcome of the vote would have been different.

There are additional comments I would like to make. First, Mr Kelly, director of solid waste management for Metropolitan Toronto, stated: "Nobody wants to be right near one"—referring to a landfill—"so why bother the people when you can locate something that they're far enough away from it. Everybody down here says they don't want it. Everybody up there, they're saying they want it." For the record, not everyone here wants Toronto's garbage. Second, it is this attitude of shipping it up north where it cannot be seen or smelled that makes me believe shipping garbage is wrong.

Second, Joan King, Metro councillor, chairperson for the Metro works committee, stated, "Does it make sense to keep it"—referring to the garbage—"right where all the people live, breathe, drink the water, or does it make sense to look where it won't have a social impact, where it will be environmentally safe?" I just want to state that I hope she was not still considering Kirkland Lake when she made this statement because no one can guarantee the environmental safety of a landfill site. I am here to tell you that it will have a social impact. We may be smaller in number

but the impact will be experienced by each and every one of us as much as it would be by those in the south.

In conclusion, I would like to thank Ruth Grier for having the courage to introduce a long-term plan to improve waste management in Ontario. This covers most of what I wanted to say. I thank you for your attention and I welcome questions and comments. Any of the quotes I did use are referenced at the back.

**The Chair:** Thank you. There are about seven minutes remaining and I will divide that equally between the caucuses.

**Mr McClelland:** That was well done and well put together and well presented. I have an interesting agreement to disagree with you. You said that there are two sides to every story. One of the axioms in political life is that there are three sides: their side, my side and the truth. I say that by way of introduction because I think that is basically what is happening here to a large measure. There is a sense that people are becoming polarized. There is a sense that there is division—not a sense; that is the reality. That is unfortunate.

I would also say, and I do not mean this in any pejorative or judgemental sense, that you would probably find me somewhat uncourageous in the sense that I would not presume to introduce a plan that I felt I could provide all the answers to. I would also think by implication that you might think I would have relinquished some of my community leadership. I will tell you why. I was faced with the situation where I made the following statement. Although I did not necessarily agree with the proposal that would have brought a landfill to the area I represent, I said I was prepared, because of the belief that there is our side, your side and the truth out there. To the extent that it is possible—and it is not possible; we do not live in a perfect world—we set up systems in our society where independent people who are charged with responsibility, sitting in a group of three or more, can, to as great a degree as humanly possible given our frailties, arrive close to some objective analysis of what the truth is.

Those, in short, are the philosophical underpinnings of the EA. I am glad that you told me today, and told us, that you had not had an opportunity for somebody to come out and explain the EA process to you. I think that is critical and important for this community and any community that is faced with the prospect, because I sense, quite candidly, not only from people who have been here today, but perhaps even—I say this with no disrespect to members—colleagues of mine in the Legislative Assembly and some who might sit on this committee, that they do not really understand fully the Environmental Assessment Act. It is not an easy thing to work your way through. I hope you will be afforded that opportunity.

I hope you will consider the fact that I think there are some very basic principles here, that in none of us reposes all wisdom and truth. Quite frankly, I am not courageous enough to come out and say I am prepared to make a statement that I know best under all circumstances. You applaud the current minister for doing that. So be it. I believe I am capable of making mistakes and bad judgements. I



believe it needs to be bounced off other people and has to be challenged. Those are some of the safeguards I think important to our society. I thank you for your position and your opinion. I respect it.

**Mrs King:** If I can comment, you were talking about two sides. That is my point here, that I feel the municipal government—not REEPA, not Mr McGuinty and not the FACTS committee—had a responsibility to tell the citizens of this community both sides of the story, or just one little fact about the weaknesses. Weaknesses were never identified, and when anybody even tried to ask, “What if...,” “Should we consider...,” or “Could we look at...,” they were always—and I use the word—denounced. That is my big concern. I think somehow that even I myself at some point was thinking that Mr McGuinty—but it was not him, it was not his responsibility. He was a salesman selling his goods. Anyhow, I just wanted to make that statement to make sure it was clear. The three sides of a story, I would like to consider that.

**The Chair:** Mr Bisson, you have three minutes.

**Mr Bisson:** Thank you. I would like to thank you for a presentation that comes from the heart, as we have heard from people on all sides of this issue. I think you were saying that a message has been lost out there and that really we need to get to the information.

I am curious about something, because it runs back into a couple of things we heard this morning. You say on the second page of your report, “Why is it that there are people in Kirkland Lake wanting to take millions of tonnes of garbage from Toronto when the rest of the province is opposing it?” I am just wondering, because I am looking here at the Northern Daily News of Thursday, January 21, 1988. The then mayor, who is still mayor of Kirkland Lake, said: “They can keep the garbage, I don’t want any part of it.” Then it was said by the mayor from my community that this type of thinking is typical of southern Ontario mentality. The obvious question I have is, why the change of heart? Is there something I am missing here?

The second part is, how do you respond to accusations that have been made, because it touches your presentation, having groups such as REEPA and other concerned people named as fringe groups. How do you respond to that?

**Mrs King:** First of all, why the change of heart? I think bucks, money. I really do believe that. I think, as Bernadette Fernandez said earlier today, having gold dangled in front of their eyes. I am not really sure. I think also being close-minded, hearing that there is this fantastic project that is going to create jobs and not really taking the time to ask, “How great is this?” That is my own opinion.

Second, how do I feel about being considered a fringe group? I think what really concerns me is that never once in the media has Mayor Mavrinac or the town council said: “Gee, thank you. You’re some citizens in this town and you seem to care. You care enough to use your own time to collect some information. I want to thank you for that. Maybe you could share a little of it with us.” That never, ever occurred. As for being a fringe group, I do not even think we have that status, to tell you the truth.

It is really upsetting to me. I am raising my own children and try to state to them that if you really believe in something, you have to stand up for yourself, go to your elected leaders and speak to them. But it is most disappointing when you go to your elected leaders and they will not give you the time of day. I hope I have answered your questions.

**The Chair:** Thank you very much. We appreciate your making a presentation before us today. Everything you say is recorded in Hansard and becomes part of the public record.

1520

RICHARD DENTON

**The Chair:** I would like to call next Richard Denton. Please come forward. You have 20 minutes for your presentation. We would appreciate it if you would leave a few minutes for questions. Would you please begin your presentation now.

**Dr Denton:** In answering Mr Bisson’s question of who I am and am I part of the fringe, I would just like to say that I am a general practitioner. I was born in Sudbury. I grew up in southern Ontario and have now returned to the north, practising here in Kirkland Lake for the last 15 years. I have been active in the community, from little theatre, community choir, chairman of JSANO school of the arts, to being past president of our local Rotary Club, Paul Harris recipient, president of our medical society. I have also served on the Ontario Medical Association northern affairs committee, and I am currently president of the Timiskaming federal Liberal Party and a northern director of the Liberal Party of Canada, Ontario.

**The Chair:** Do you think we should extend your time because your CV has taken so much of the presentation up?

**Dr Denton:** I have also been on a national church board for three years, as well as the national board for the Canadian Physicians for the Prevention of Nuclear War. Maybe that is a fringe group.

More relevant to the issue today, though, I have been chairman of the Marquis local roads board for several years, and I am the environmental director for the Round Lake and Area Taxpayers’ Association and treasurer for the Responsible Environmental and Economic Prosperity Association. I have represented Marquis local roads board on the north Timiskaming local government study. I have attended numerous presentations of Notre Development Corp, toured the Adams mine site with Mr Gordon McGuinty and have read numerous reports from Notre Development, the soil and water environmental enhancement program etc, and I have made presentations to our town councils, both in Kirkland Lake and in Englehart. I have no financial interest in this project.

In summary, I am a medical doctor concerned about the health of my patients and neighbours. I live and have been active in the community for the last 15 years, and I am particularly interested in the environment. I have stated no financial interest in the outcome of the proposed Adams mine dump.

I should now like to go from the general to the particular, first discussing Bill 143, then looking at the Toronto garbage situation and finally at the Notre Development so-called solution. I would first like to say that I am in favour of Bill 143. As a Liberal, I believe that government should regulate for the public good, and I believe that this bill does that. I am particularly happy with part IV, in that it broadens the definition of "waste" and "the natural environment." It also looks at waste reduction, reusing and recycling, and I feel that this is a key point.

Section 28, to do research into packaging, is vital, and I feel strongly that much of our current packaging can be eliminated or standardized for reuse. Sections 29 and 30, therefore, are also excellent. The answer to the garbage problem is not to bury it like an ostrich sticking its head in the sand but to reduce and eliminate waste through decreasing and eliminating packaging and reusing and recycling that packaging. For this reason, part II is important.

In the past, we have just found another site to dump the garbage, without looking at reducing the amount of garbage. When a municipality has to look after its own waste, there is suddenly a much greater incentive to being creative in reducing that amount. Therefore, I strongly support the philosophy behind part II. It should have been done years ago. For too long we have put off the inevitable. Now the crunch is coming and we look for another place to hide the waste rather than dealing with constructive ideas on decreasing the amount of waste.

I would suggest to our present government to limit the size of cities and to limit the paving and development of prime agricultural land in southern Ontario through land banks and regulations. I applaud the government for decentralizing industry and in particular for bringing many ministries up north. We have the land up here for people and industry. Now with modems, computers, faxes, satellite dishes and fibre optics, one does not need to be on Bay Street or in downtown Toronto.

Kirkland Lake used to be the 20th-largest city in Ontario back in the 1920s and 1930s. It was the location for all the head offices of mining companies, and I believe that this could occur again. I think government can improve transportation by getting back our night passenger train and upgrading our airport. Once the infrastructure is there, and with government showing the lead in moving its offices, industry will follow to use the available resources, natural and human. Civilization does not end at Barrie.

This is why it is crucial to put the responsibility with Toronto for managing its own waste. For too long it has expanded uncontrolled, always able to pass the buck for waste management elsewhere. This act will make it necessary for Toronto to be master of its own house and to be responsible for it too.

Finally, I would like to comment on the suggested Notre Development so-called solution to point out its difficulties. With the closing of the Adams mine putting many people out of work, our town fathers have naturally looked for suggestions to provide jobs and income for the town. I feel, though, unfortunately our current mayor has put all his eggs in one basket in backing Mr McGuinty's project. Not diversifying is often the problem here in the north.

Like many, when I first heard of the Notre Development project for turning the Adams mine site into a recycling plant providing money and jobs, I and the local community were elated, but with time and further inspection and seeing the documents that have been signed by the three mayors and Toronto, I feel that this plan has become very flawed.

Looking at the environment first, that is our main concern. The north is noted for its natural resources, mineral wealth, forests, agricultural land, tourist playground for hunting and fishing and clean water. I believe that this project threatens these resources. The Adams mine site with its many natural faults and numerous secondary faults from over 20 years of blasting is a probable sieve through which leachate may pass into local groundwater systems. Being on a height of land, this leachate may contaminate the watershed from here down the system into not only Ontario but also Quebec. As a doctor, the best treatment, I believe, is prevention. Once the water is contaminated, there is no economical means of purifying it of toxic compounds. Even if you have a third party environmental monitoring group, this is not going to be helpful because once they detect a problem, it is too late to correct it.

It has been said that the Adams mine is dormant, not dead, but it will certainly become that if allowed to be filled with waste. We up here in the north once considered that gold mine tailings were waste. Now they are being reprocessed for gold with better extraction methods. I would like to point out that there is still iron in the Adams mine.

Now I would like to talk a bit about Mr McGuinty's solution, how he plans to deal with the leachate by pumping it out of the bottom to a treatment plant. When questioned on this, the pumping is for 25 years, not a long, perpetual time. I believe that this is not adequate protection for the long haul; maybe for him to make his money, but not for the sons and daughters of this area.

It is interesting that the preliminary test drilling did not go down to the bottom depth of the pit or even to the water table, which is above the bottom of the pit. Thus I believe there is a risk of contamination of the water table.

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Golder Associates mention a worst-case scenario of blocked pipes and failed pumps, and I believe that this is a good possibility. Supposing all goes well and the leachate is pumped out to the treatment plant, how is it then treated? I asked Mr McGuinty at a public meeting how he would treat the leachate, and I am still waiting for an answer. At the time, he mentioned using chlorine to kill the E coli, but that does not remove the toxic chemicals. Presumably he will simply dump the waste on to the present tailing site, and we in the north know what happens to tailing sites with toxic chemicals going into the Montreal River.

I am also concerned that the initial proposals spoke of 25%, maybe even 50% of Toronto garbage being recycled at the Adams mine. Now it seems that less than 12% will be recycled. This means that the Adams mine will be a dump and not a recycling plant.



It is interesting in the agreement signed by the three mayors and Toronto that the definitions have been changed from common acceptance; ie "recovery" means the recovery of material resources or energy resources from mixed solid wastes, ie aluminum cans etc, and that "recycling" means the extraction from waste of material for the purpose of its sale and subsequent utilization in an agricultural, commercial, manufacturing or industrial process or operation such as methane gas and fertilizer. It is clear from the various comments from the various parties involved that the recovery, really recycling, will occur down in Vaughan township, and that we in the north will get the garbage of the waste, possibly methane extraction.

The waste recycling plant is to be built after the plan is up and running for two years, and is subject to the master plan of the solid waste environmental assessment plan, which allows an out for Toronto. Under condition 9, Metropolitan Toronto can back out at any time, but the host regions are tied into it. Section 12 says that if it is not in this agreement, it is not in the agreement. Therefore, many of the things which Mr McGuinty has been talking about are not in the agreement.

**Jobs:** As mentioned above, this area has been devastated by mine and plant closures. We need to replace these lost jobs. Without a major recycling component the number of jobs is small, being only about 75 for the solid waste facility, if that. The major recycling will occur down in Vaughan township. This is where the large numbers of jobs are involved. Therefore the jobs will occur down south, not up here.

The role of the Ontario Northland Railway has been mentioned, and we would all like to see it prosper, but one of the reasons that the Adams mine closed was that the railway lost its subsidy with free trade and could not compete, with empty cars going back up north. This proposal would not change the original premise, only the direction; the empty cars would be going back down south.

**Money:** In Notre Development Corp's initial submission to the Solid Waste Interim Steering Committee on December 28, 1989, it was stated that there would be a reverse depletion fund of 2% of the tipping fee for all solid waste deposited in the landfill or a minimum of \$1 million annually. This is not part of the present deal. Instead, the host region gets \$1.10 per tonne, which does not change over the years and will represent a fraction of 1% in years to come. Therefore the north takes the environmental risks and gets paid peanuts, while the big money goes to Notre Development, Toronto, and Dofasco.

There will be \$250,000 set aside per year for research. This is again really a very small amount of money. In the initial proposal, 1% of the tipping fee was suggested for research. This is a dramatic reduction since December 1989. On March 4, at a public meeting, Mr McGuinty said that a minimum of \$1 million would be set aside for research; again, a decrease. Why, when research and development in such a new field is needed? Finally, what money will be set aside to look after the environment, for cleanup, for maintaining surveillance and operation after the project is completed?

I would now like to conclude with a few other comments. It has been suggested that we should wait for environmental assessment first before discussing the project further, but if you look at what is involved in an environmental assessment it is a very costly process which gives money to lawyers but not to the communities affected. It is similar to building the \$24-million Red Squirrel Road only to have it not used. Once the process is in progress the proponent can make modifications, but the final say is once again up to the Minister of the Environment. An environmental assessment does not guarantee environmental safety; it only recommends the best alternative. Therefore I am against going ahead with an environmental assessment.

It should also be pointed out that the people downstream from the mine and closest to the mine have not been consulted in the referendum. The referendum also asked a motherhood question rather than, "Do you want Toronto's garbage?" I therefore believe that the referendum does not make us a willing host.

In conclusion, I strongly support Bill 143. I feel that it is the right way to go, expanding the definitions and scope of waste and looking to reduce, reuse and recycle. I believe in making communities responsible for the management of their waste rather than wasting fossil fuels transporting the problem 600 kilometres to bury it like an ostrich head in a hole in the ground. The Notre Development project is bad for the environment, does not give us the jobs we need and does not give us the economic base we are looking for. The people directly affected have not been consulted in a referendum. An environmental assessment is a costly, time-consuming exercise that does not guarantee environmental safety. Therefore, let's pass Bill 143 and get on with solving the problem. Thank you.

**Ms Haeck:** Thank you, doctor. This is a most marvellous presentation. You have added an awful lot to my knowledge base by your presentation. I have a couple of quick questions. On page 3 towards the bottom in the last large paragraph, *E coli* bacteria basically is created by sewage, is it not?

**Dr Denton:** That is correct.

**Ms Haeck:** So in this whole issue of dealing with purifying water you are really talking of what he addressed in his comments to you, basically dealing with sewage. Is that something that you ever expected to have to deal with?

**Dr Denton:** No. I think that is the point. Sewage is only one part of the problem of waste. There is a host of other problems. We have a means of treating *E coli*. You can add the chlorine. But when chlorine is added to all these other chemicals, the dioxins etc, I have yet to see a way of removing those. We may get a whole host of new chemicals when you add the chlorine to it.

**Mr McClelland:** Doctor, thank you. You said it was your belief that the government should regulate for the public good, and I accept that.

**Dr Denton:** Correct.

**Mr McClelland:** The presenter before you said "It's frustrating when you go to an elected official and that person won't even give you the time of day." Obviously

you and I have a considerable difference of opinion, but I would simply submit to you again that one of the things governments do in the public good is to set up a process whereby people have a right of appeal. Sometimes governments kicking and screaming have done this, but because of public pressure they have been compelled to put in place processes and institutions that are somewhat apart from government that allow society a fail-safe mechanism, a check and balance, if you will.

Notwithstanding your support for Bill 143, I say very clearly to you that I believe the inherent danger in that is that it can be flipped back against anybody at any point in time. It is the old fable about the leopard that was still a leopard and it can go one of two ways depending on the mood it is in at any particular time. Without those fundamental protections in place—I am not arguing the merits of the proposal—some day they may be the very thing that you, in the community you represent, would wish were there to call upon for your ultimate recourse when there is a government in place that you do not happen to agree with.

**The Chair:** Thank you. Did you wish to comment?

**Dr Denton:** I agree with that. I am not sure just specifically what you are referring to, though.

**Mr McClelland:** If that is a question back, what I am saying is that Bill 143, by its very philosophical underpinnings, says in effect that decisions can and should be made by one person. It allows that individual, whoever he or she may be, to make very significant decisions that preclude participation of the public and that preclude the opportunity of the public to challenge that decision and to have an appeal process, if you will; in other words, the environmental assessment. I think it is fundamental for us to understand that.

If you will, it is a citizen's court of appeal against the elected officials that Mrs King said sometimes are not there. I am not sure everybody has sight of the implications of what is taking place here today. Some day you may say: "My God, how did we ever allow Bill 143 to pass? Now we want protection and can't get it because it has become the precedent by which people are shut out."

Just parenthetically, as a Liberal I believe one of the things we have to do is to provide institutions in society that are apart from political interference, hence the EAA process.

**The Chair:** Thank you very much, doctor, for your presentation.

1540

MARTHA MCSHERRY

**The Chair:** I call next Martha McSherry. Please come forward. You have 20 minutes for your presentation. We would ask that you begin by just introducing yourself for the committee. The microphone is controlled by the little button at the front. If you have any problem with it, just press the button. We would ask you to leave a couple of minutes at the end for questions from committee members. Please begin now.

**Mrs McSherry:** My name is Martha McSherry. I am a public health nurse in Kirkland Lake and I have lived in the area for 15 years. Thank you for the opportunity to present my views as a concerned citizen of Kirkland Lake to the standing committee on social development regarding Bill 143, An Act respecting the Management of Waste in the Greater Toronto Area and to amend the Environmental Protection Act.

I will focus my presentation on part II, which outlines the Interim Waste Authority's responsibilities with respect to finding three landfill sites within the GTA. The environmental assessments of the three sites do not require an evaluation of alternatives. Incineration and transportation to sites outside the GTA will therefore not be considered.

Before I start on my brief I want to mention that after attending the sessions for the better part of today, we have to put Kirkland Lake in a broader perspective. Jobs are important. We across the north are suffering. This community is a boom-and-bust community, as are all communities dependent on natural resources. The country is in a recession. High unemployment and social service rolls are prevalent across the country, not just in Kirkland Lake. I have been closely following the prospect of transporting Metro's garbage to the Adams mine site for several reasons.

1. These pits have been mined and blasted for the past 28 years. The bottom of these pits are well below the groundwater table. The developer, Notre Development Corp, tells us the impermeability factor of the pit walls is pretty good. The Environmental Protection Agency in the US, in drafting federal standards for municipal solid waste landfills, identified those sites unsuited for landfills in its draft plan dated August 30, 1988. A mined or subsidence-prone area can result in rupture, deformation or other damage to liners or final covers that may release waste directly into the environment. This mine site is unsuited for landfill or waste.

2. Considering that approximately 1% to 2% of household garbage is hazardous waste, if 1 million to 1.5 million tonnes of waste are shipped annually, then the mine site would be receiving from 10,000 to 30,000 tonnes of hazardous waste per year. We have a long way to go in cleaning up our garbage.

3. The Adams mine site is approximately 27 miles south of the arctic watershed, a dividing point of high land where the river system flows south. Any leachate that seeps through fractured rock would be difficult to locate and irreparably degrading to our environment. Our northern water is one resource we need to protect for the sake of the province, particularly if we continue in the direction we are headed in. We will be establishing a dangerous precedent in putting garbage at our headwaters.

I just want to put an aside here that I voted "no" on the environmental assessment question because I feel the risks outweigh the benefits. The environmental assessment question we have heard many times put before the people of Kirkland Lake. I want to quote Mr Roger Clarke, supervisor of the waste unit at the environmental assessment branch of the Ministry of the Environment. This is his response to that question:



"The municipal question is confusing. It's worded very awkwardly. It's hard to understand what the intent is." That was in the Northern Daily News, November 1991. I think the citizens of Kirkland Lake have the right to a clearly understood question on such a major proposal. Notre Development Corp has been the primary source of information on the project, doing one-sided presentations to sell the proposal for financial gain. This cannot be called effective public consultation.

Looking at the agreement between Metro and Kirkland Lake, the final agreement dated November 19, 1990, was voted upon as favourable 24 hours after it was received by council. A concerned citizen, Ms Gamble, was denied an extension to review and respond to the 19-page document. The council was not making any efforts to encourage public input or feedback. I raised my concerns in a letter to the editor of the local newspaper. Mr McGuinty of Notre Development responded to my letter. He wrote me to say that a one-page statement of principles from the agreement had been available to the public in advance of signing the agreement, implying that it took the place of the 19-page agreement. I have copies of the statement of principles as well as four pages from the Metro agreement for your perusal. I draw your attention to three areas not in the statement of principles that were of particular concern to me.

Section 2: A "notwithstanding" clause whereby Metro may make an application under the shorter Environmental Protection Act for the interim or short-term use of the site. Mayor Mavrinac has stated publicly many times that the Adams mine site must undergo a full environmental assessment in order to establish safety of the environment. Kirkland Lake council signed this agreement before the Minister of the Environment put a ban on export of garbage outside the GTA. Here we are with a signed agreement permitting Metro to go for an exemption under the Environmental Assessment Act. Approval under the Environmental Protection Act does not require public input. The proposal would have the Adams mine pits full within five years. Our council signed an agreement with that clause.

Section 5.7: Waste recycling plant. The agreement gave Metro complete control over the type and quality of recycling at the site. I heard from our mayor this morning that he seemed to have some idea of what that recycling would be, and I am anxious to hear. Only 8% of the total volume of garbage was recyclable; 92% was to go directly into the pits untreated. The success and expansion of recycling is dependent upon markets. Unknown markets for undefined recyclables in remote northern Ontario are doomed to failure. While resources, the iron ore pellets, have been shipped out of Kirkland Lake, the Adams mine site, to Dofasco in Hamilton for 20 or more years, why were we not getting the secondary industries up here to process those pellets into commodities? Were we too far from the markets? Was the transportation cost too high? Those same concerns are going to be problems for us in trying to do something with any recyclables we would receive from Toronto.

Section 8: Conditions to Metro's obligations. Metro may, at its sole discretion, waive or reject any or all consents, approvals or agreements referred to in the various subsections of section 8. The subsections include section 64 of the Ontario Municipal Board Act, an agreement with the province confirming the status of the host municipalities as receptive communities for the purpose of obtaining an exemption order for interim or short-term use, and all necessary approvals and consents for use of the site from each and every government, board, agency, commission or other regulatory or administrative body, whether federal, regional or municipal, to the satisfaction of Metro. Metro appears to have unlimited powers. Why have the mayor and council signed such an agreement, but at the same time publicly insisting that the Adams mine site must have a full environmental assessment?

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I contend that Metro and the developer created the belief that the greater Toronto area was in a waste crisis in order to have the option to get an exemption from the province. Metro had a signed agreement and the legal power of turning the Adams mine site into a short-term or interim site under the Environmental Protection Act. The people of Kirkland Lake had been misled by the developer, the mayor and council and by Metro.

Now that the Interim Waste Authority has the authority to address the GTA waste management difficulties, there seems to be a change of tune. We are hearing from Mr Ferguson, Metro works commissioner, that Keele Valley has an extended life from 1995 now to 1999. The Minister of the Environment is now being accused of imposing a waste crisis on the GTA. Whether there is a waste crisis or not, the GTA has an urgent waste management problem that needs serious attention.

I support part II of Bill 143, which bans incineration and export of garbage, putting the emphasis on reducing waste output to a minimum while increasing recycling and reuse to a maximum and thus conserving precious resources. Incineration and export to a megafill are incompatible with the 3Rs. They are not reasonable alternatives for the citizens of Ontario. Both are extraordinarily expensive to build and operate. In order to pay these costs, tipping fees are charged for each tonne of garbage that is burned or buried. Both these waste disposal systems depend on a constant supply of garbage. Both these alternatives ultimately contaminate our environment.

I have attached to the brief the American Public Health Association January 1991 stance against incineration of solid waste. I think it is a very well-researched article you might find interesting.

In conclusion, keeping GTA waste within its own boundaries forces change at a critical time. With the urgency at hand, building new megafills or new incinerators now will put us back 20 more years. The GTA boundaries may be arbitrary, but where do you draw the line? The Minister of the Environment has had to make very difficult political decisions caused by years of political neglect. That is the presentation.

**The Chair:** Thank you very much for a very interesting brief.

**Mr McClelland:** One of the things I find interesting in your presentation is that some of the very things you find disturbing are the very things I find disturbing about Bill 143. When all is said and done there are some things that people talk about on Bill 143. It happens that in this business people gravitate towards you and say, "I like X, Y and Z, so it must be good." If I speak against Bill 143, then other people would seek to create an impression that because I am against Bill 143 I do not agree with X, Y and Z. In fact, I very well may agree with certain aspects of things that are set out in the bill.

You mention on page 3 your concern that the subsections and the agreements set aside sections of the Ontario Municipal Board Act. Let me tell you why I do not like Bill 143. It sets aside the Environmental Protection Act, it sets aside the Environmental Assessment Act, it sets aside the Ontario Municipal Board Act, it sets aside the Planning Act and it sets aside another series of acts that deal specifically with the greater Toronto area.

Then it goes on to say, translated into layman's terms: "If I as minister have forgotten any other act or any other impediment that may stand in the way of my imposing my policy, dictating my policy to people in and around the province of Ontario, we will deem them not to exist. If there are legal, binding agreements between citizens and people from whom they purchase their home, if there are legal, binding agreements between municipalities and home owners and citizens groups, we will deem them not to exist." If people are financially injured or lose the value of the property, that is not even being considered now. Apparently that is going to be removed.

When I look at that and read that you have problems with process in terms of protecting people's rights, I can only say that I agree exactly with the kind of sentiment you are expressing. That is why I oppose Bill 143. I think there is too much at stake when you are prepared to say on the basis of an individual, whoever he may be, whether I agree or disagree with him, that he is entitled to override all the legislation and the binding agreements that have been made in good faith between people. I think that is too much for our society, which prides itself in freedoms and citizen participation, to accept. I think it is a terrible, unacceptable price to pay to get ourselves out of the problem. We have to get out of the problem but I quite frankly am not willing to pay that price in terms of principles I think are very important to all of us in Ontario.

**Mrs McSherry:** I think we agree in that respect.

**The Chair:** Mr Bisson, you have the floor, and you have approximately four minutes for your caucus.

**Mr Bisson:** First of all, just to clarify, under Bill 143 on any long-term site you will still have to do an environmental assessment. That is not at question here. I think the way it was put was a little bit confusing. Any future site considered a long-term site would have to undergo an environmental assessment. Under the old legislation you could circumvent the EA by going to an EPA. This brings

me to this document I have never seen. I take it this is the master agreement between Metro and Kirkland Lake.

**Mrs McSherry:** Yes, it is.

**Mr Bisson:** I am going to quote, because this disturbs me greatly. This is contrary to everything I have heard up till now. It says in the document: "The host municipality acknowledges and agrees that Metro may make application under the Environmental Protection Act for the interim use of the site." What you are saying is that people were aware that—it could conceivably have happened that this thing would never have done an EA in the first place.

Interjection.

**Mr Bisson:** I will leave the time for my caucus. That is very disturbing because I am being told through this whole debate that the whole purpose of this is to provide an EA and I find in the document that the EA could have been circumvented in the first place, and people were aware of that. I find that quite distressing.

**Mrs McSherry:** I agree.

**Mr Wiseman:** I would like to point out that this is not a big surprise to me because the use of the Environmental Protection Act was introduced at the science centre in Toronto in March 1988, where host communities of the GTA were asked to put sites on the table. The Keele Valley site was offered up as the York region site under the Environmental Protection Act. Site 6B was offered up as the Peel site. P1 in my riding was offered up as the Durham site. All of them were to be given exemptions from the Environmental Assessment Act to the Environmental Protection Act, and Metro had to come up with a site of its own. Using the SWISC process they decided they could perhaps do it anywhere in Ontario, so it is not a big surprise to me to see that one of the proposals Metro is going to put on the table for its interim site, at the same time as trying to get it to be a long-term site, is Kirkland Lake.

I did not know about this until very recently, but it was an interesting juxtaposition. When people talk about rights and what this bill does, none of the exemptions to the Environmental Assessment Act for any of the sites I just listed ever went to legislation in the Legislature. If you are talking about taking away people's rights, it seems to me that while Bill 143 does limit certain aspects of the Environmental Assessment Act, which is the elimination of incineration and long-distance transportation, at least it is doing it by act of Legislature and not by Premier caveat. My question to you very simply is that, given that legislatures are elected to rule, is it not better that if they are going to change the rules they do it by coming to the Legislature instead of doing it behind closed doors in secret deals?

**Mrs McSherry:** Absolutely.

**Mr McClelland:** I have a question for the parliamentary assistant. I think it might deal with some of the issues Mr Wiseman raised in terms of understanding about who brought in the EPA and EAA and how they fit one with the other. I think there is a tremendous amount of misunderstanding. I say this with great respect. I think Mr Wiseman just demonstrated his complete lack of understanding of



how the EPA and the EAA has evolved. I am going to ask the parliamentary assistant if he would commit, on behalf of the minister, to send some staff into Kirkland Lake to make it available to people such as yourselves and citizens groups to do an educational forum wherever you may choose; if you would undertake to contact citizens groups in this area so that they would come up—ministry staff, not political staff, but ministry staff—to do an educational as opposed to indoctrinational review of the EAA and EPA and how that fits in the scheme of environmental law in the province of Ontario. Mr O'Connor, are you prepared to do that?

**Mr O'Connor:** I think the community here would probably welcome an opportunity to see exactly what is involved in the EAA process and the environmental protection process as well; then they would maybe have a little better understanding. I think it maybe would concur with some of the people presenting that the way the ballot was worded in a referendum led to just one answer that should have been answered. I think they would appreciate the opportunity, and I think it is a fair recommendation that I would, yes, suggest that the regional office come and make a presentation to the community, whoever was interested in it.

**Mr McClelland:** As a point of clarification, that would not be political staff, it would be ministerial bureaucratic staff to set out the framework of the process in an empirical fashion.

**Mr O'Connor:** That could be handled, I think, through the regional office in Sudbury, because this is the area it is in and it would be an opportunity for them to enlighten some of the community.

1600

#### ANTI GARBAGE COALITION

**The Chair:** I would like to call next the Anti Garbage Coalition. Please come forward. You have 20 minutes for your presentation. We would appreciate it if you leave a few minutes at the end for questions. Please begin your presentation now.

**Mr Raftis:** On behalf of both the group members and the individual Anti Garbage Coalition Members, I welcome this opportunity to express some of the concerns we have with the existing legislation and support the proposed Bill 143.

This opportunity is especially welcome after spending the last 18 months attempting to present a perspective that is a stark contrast to that of the heavily finance-backed Notre corporation. For community-based organizations, it is difficult to compete with a paid, full-time promoter and staff, especially when the promoter is motivated by \$35 million for arranging the deal.

I am an engineering technologist and owner of Blanche River Power, a company that is in the process of developing hydro-electric generating plants on the Blanche River. I will be detailing some of the environmental ramifications of this Adams mine proposal to the surrounding area and to the farming communities located downstream from the proposed site. I will be using examples of other sites sim-

ilar to Adams mine, where contaminated materials were buried beneath the groundwater table, and depict the disastrous consequences of groundwater contamination that resulted. I am doing this to point out the fact that the pre-bill legislation left little democratic component when it came to siting a waste disposal site, with Toronto's ability to expropriate any piece of land it wanted to in Ontario. I will also be showing how existing legislation would have allowed economic gains to be put ahead of environmental concerns.

I will also be doing a comparison of the Adams mine site, a pit storage concept, with state-of-the-art storage methods. I propose to show you how these two concepts would have vastly different effects on the environment. I will also show that a site heavily promoted as an ideal site in an economic perspective with existing pre-Bill 143 legislation is, from an environmental perspective, a proposal that would most certainly have resulted in massive and irreversible contamination of aquifer water source, the single source of water for both the towns of Englehart and Earleton and the surrounding farming communities.

The site: The Adams mine site proposal would have seen waste disposed of in a series of rock pits that are heavily fractured due to blast-induced effects. Major faults exist that run 150 metres in length. Figure 1 shows a scaled map with the farming communities beginning within three kilometres of the pit. I will just give you a minute to look that up. Just tear them off the back.

The pits are located there at the left, and you can see Boston township boxed in there. I am going to use this map to show you a proximity map for height later on. This one shows where the farming townships start in Chamberlain, with some of the river flow through Boston Creek and Misema River, and where Round Lake is situated as a result. It also shows the town of Englehart.

Also shown on the map is the surface drainage of the headwaters of Boston Creek. The surface level dropped from 200 metres at Gull Lake and 400 metres to feed the Misema River, which is a 40%-by-volume tributary to the Blanche River. The Blanche River flows through the farming lands of Chamberlain township down to Sutton Bay on Lake Timiskaming. This lake is the town water supply for the towns of New Liskeard, Haileybury and Cobalt. This river system has the largest drainage pattern of any river feeding south in Ontario and goes along to feed the towns of Timiskaming, Mattawa, Deep River, Pembroke, Hawkesbury and Ottawa.

Figure 2 shows a cross-sectional view of the same land base. The pits are located on a height of land 1300 feet above sea level. The vertical lines indicate the depth of intrusion for both pits and wells in the area. The upper edge of the water table, away from the pits, is around 80 feet below the ground level. The mine pit bottom is over 500 feet down into the water table. The farming area of Chamberlain derives its water source from groundwater; mainly deep wells. The town of Englehart, shown to the right, can pull over a million gallons of water a day from its well. All of these wells are fed from underground streams which have their source in the surrounding area, more so the surrounding heights of land.

The concept: Figure 3 shows a section view of the pit storage concept. The proposal involves the pumping out of leachate through the pipes installed as the pits are filled. During initial stages of filling, the large volume of water will be contaminated as both surface water and all of the infiltrated water from the fractures wash down over the fill.

Leachate pipes can clog up due to silt, mud, growth of organisms, chemical reactions that lead to precipitation of minerals, or can collapse after chemical attack.

When leachate collection pipes clog up, or stratified compression areas halt the flow of leachate in the landfill, fluids will build up a hydraulic pressure that will force contaminants through rock fractures. While the blockage of leachate drainage is of concern at all landfill sites, the magnitude of the problem is directly proportional to two factors: (1) the height of the pit and (2) the ability of the container to hold hydraulic fluid. In this proposal, the pit will build up to 2,000 pounds pressure per square inch at the bottom of the pit. This is one of the fundamental shortfalls to deep-pit storage. The deeper the pit, the more pressure there is to force out leachate at the bottom. In the Adams mine site there is both pressure due to the height and a pathway due to the fractures. A safe site must offer not only physical but hydraulic containment.

When a blockage occurs, or when the pumps are shut off, the mounting pressure will build up as the water level in the pit rises to a pressure adequate enough to puncture any non-porous barrier. This will allow leachate to be forced, with a mounting pressure, out through the many fractures in the pit. Leachate will be propelled out through these fractures and into the river system of underground streams that feed our water table.

The aquifer is a delicate reserve of water that drains down through the upper soils and rocks, and in doing so is purified. This water is then transported by a maze of underground streams not unlike the river systems, with small streams running into larger. The reason the aquifer is prized is that it is clean and isolated from groundwater contamination sources, due to inherent filtering of both soils and rocks. These areas are like the human body: Once the contamination has passed the protective layer and entered the body, contamination and bacteria can spread both quickly and irreversibly over long distances.

Pit storage has a legacy of leakage that is both fast and long-range. Once the contamination leakage is in the water table there is no way to stop it. That is why present-day technology does not store waste in a water table.

#### 1610

I would like to point out that contamination of our groundwater on a massive scale is not mere speculation. In South Platte River, near Denver, defoliants and pesticides gained access to the aquifer through a surface pond, resulting in the poisoning of 30 square miles of farm land and the killing of livestock. A million-dollar well was drilled and a 96-acre, asphalt-lined lagoon was built in an attempt to halt the migration of contaminants. Migration continued despite the continued expenditure of \$78 million in an attempt to confine the spread of the contaminants.

I guess the reason I am bringing these in—they seem quite dramatic, but I think in northern Ontario we have never been exposed to the serious problem of groundwater contamination and I think we have to bring it into perspective. We are hearing lots of talk about the economics of the project, but we do not hear a lot about the other side of the equation. The other side of the equation is as extensive as the economic side, and I think with the presentations we have been getting from the Notre corporation, they have been heavily biased on the one side with nothing showing on the other. So I will continue.

In New Jersey, Jackson township, a mine pit was used to dispose of landfill. There was no topsoil or clay, making it simple work for the chemicals to reach the water table, and 140 wells in a 3-mile radius had to be closed down. In the same state, 100 wells in Perth Amboy township were closed due to contamination. The legacy of years of historic mismanagement of waste in New Jersey is 14,000 people dying yearly of environmental cancers, 24,000 people in the development stages of cancers, and 25% of the population of the state will be touched by some insidious disease. These are taken from a reference.

In 1974, the township of Dover passed an emergency order in which 148 contaminated wells had to be cemented over. The access to the aquifer was found to be four miles away.

In these examples, the scale of contamination is small in comparison to the massive size of the Adams mine pit. The potential for groundwater contamination as a result of the incredible volume of waste stored is magnitudes larger than the South Platte River example, and this situation is aggravated by the inherent characteristics of the particular pit storage concept and, on top of that, the height of the pit.

What is a secure landfill? A secure landfill is a carefully engineered depression in the ground into which wastes are put. The aim is to avoid any hydraulic—water-related—connection between the waste and the surrounding environment, particularly groundwater.

A sensible alternative, figure 3.1, shows the basics of a depression-type landfill and the measures that are taken to prevent the landfill material from reaching the groundwater. Notice that there are a series of barriers and a low-permeability soil to reduce the potential of contaminant loss to the groundwater. If leakage occurs, then the second level of protection can be turned on. If both of these fail, the clay will slow the migration of the contaminants by a filtering process similar to aquifer filtering by soil overburdens. These sites are only developed above water table.

Compare this to the burial of waste over 500 feet into the water table. The pit storage ignores the major concept of groundwater isolation from the landfill material and attempts to isolate these using hydraulic pressures. The pit storage will also ignore the fact that open fractures are not subject to hydraulic vacuum. They will act initially as drainage pipes of leachate into the water table and later as pressurized pipelines of contaminant injecting leachate into the aquifer.

I think the other thing that comes up at this point too is that with the pit concept, you can shut the pump off initially, after the system has been used for a number of years. Once



it is filled up and capped, the water coming into it is non-existent and it drains down and the pumps can be shut off. The problem with the deep pit storage is that there is always going to be water coming into it, and with the depression type, the liners will break down. They are very terminal. They maybe last 20 to 30 years. After that point in time, the pit is dry to the point that the leachate transmission is not a problem.

In the pit storage we are proposing here, we have the worst of about three different worlds. We have a continuous water supply. That means that when the barriers do break down, we basically have 60 million tonnes of contaminant sitting in a rock place with pressurized exits to it. Eventually what will occur is that every water-soluble contaminant in that mass will be washed out of it at some point. This is not a 20-year project we are talking about; this is from now for ever, and the contaminants characteristically will not stay there. The pit storage concept, when full and capped, will continue to contaminate millions of gallons of water yearly. Pit storage is only a physical storage concept. It has no ability for long-term hydraulic containment. Every water table contaminate in the pit will eventually wash down.

In conclusion, present legislation has allowed both private sector and political promoters to propel a project that would have been more expensive than sites in the GTA and many times more environmentally damaging. With pre-Bill 143 legislation, this site could have been put into place without full environmental assessment and without public consultation as an interim site. Existing legislation would have allowed the private financial interests of Toronto, which stood to earn billions of dollars on the tipping fees, the involved companies, which stood to earn hundreds of millions of dollars, and the developers, who stood to make \$35 million, to be prioritized ahead of the interests of the environment, with what could only be called a 60-million tonne experiment—all this despite the many examples of pit storage leakage and the huge economic and environmental cost of shipping 60 million tonnes halfway across the province. The economics of the project allow many politicians to throw objectivity out the window and assume a position of political promoter. This is a fundamental breakdown of the democratic process. There was a lot of money for one viewpoint, while the others were actively disregarded by municipal politicians and the media.

The proposed legislation does not solve all the waste problems. Legislation alone will not do that, but what it does do is force a more level playing field. Previous legislation allowed Toronto to have a garbage cash cow where for 20 years it disposed of its garbage free in someone else's yard and charged outside municipalities for the use of it. Not only did they get free disposal for 20 years, but they accumulated \$200 million from the process. This, in a fiscal sense, allowed Toronto to tax surrounding areas.

The Adams mine site proposal looks more like an attempt to rip off taxpayers in the GTA by charging exorbitant tipping fees to form an environmental tax—a new sin tax. The proceeds from this would be squandered on environmentally damaging concepts of pit storage and transportation, along with development fees.

We would like to express our strong support for Ruth Grier and Bill 143, because this legislation not only confronts the waste disposal problem with a fresh sense of honesty—no more backroom deals—but strikes also at the base cause of the garbage conflict by forcing municipalities to be responsible for their own waste.

We would also formally like to request a public inquiry into the Kirkland Lake affair. We already have evidence of politicians accepting graft in the form of meals and entertainment—I have references—but there are presently more questions than answers. Why did Metro pay \$1.5 million to the Notre corporation even after the announcement by the Ministry of the Environment that an alternative waste management group would be developed? Why was Toronto so supportive of a proposal that would have cost the citizens of Ontario hundreds of millions of dollars more in transportation costs? Why did Toronto offer to pay the owner of a mine an additional \$35 million when it would have been happy to walk away from its \$4-million commitment to clean up the site and would likely have sold the site for a dollar? Why was the developer promised \$35 million when the property costs to date were only \$250,000? Who in the political stream received financial benefits to date, and what was promised for the future? What was said in the closed-door meetings where the deals between host communities were developed? Why was a recycling project promised and not effectively involved in the agreement? Is it ethical for private promoters to organize and fund public interest groups and pretend they are independent? Why is a developer allowed to be involved in third-party issues during municipal elections on such critical issues? What effect did these expenditures have on decisions of the electorate, and is this not an infringement on their democratic rights?

It is important for the public to understand what has really happened here. It is also important for politicians to understand very clearly the line between political corruption and responsible, objective economic development. A future environmental bill of rights may allow citizens to name politicians in liability suits who have thrown aside their role of an objective leader and replaced it with that of a partisan promoter. It is important for politicians to understand both their responsibility and their potential personal liability positions they may be putting themselves into in this new role.

A public inquiry would give us valuable insight into the present state of affairs and equip us to continue on with building a fair and honest waste management system. I am sure the opposition members who spoke so eloquently on the effects of Bill 143 on the democratic rights would support our request for an inquiry, as this would give us an excellent baseline study on which to judge present Bill 143 legislation and future amendments to it. I thank you for your time and will attempt to respond to any of your questions.

**The Chair:** Thank you very much for your presentation. We appreciate you coming before the committee. There is no time remaining for questions and I would encourage any members of the committee who have any questions to talk to you privately afterwards.

1620

KIRKLAND LAKE AND DISTRICT  
CHAMBER OF COMMERCE

**The Chair:** I would like to call next the Kirkland Lake and District Chamber of Commerce. Please come forward and take your place at the microphone. Please introduce your delegation. You have 20 minutes in total for your presentation and I would ask if you would leave a few minutes for questions, although it is your choice whether you decide to do that or not. Would you begin your presentation now please.

**Mr Major:** I am Edley Major, a business and management consultant of Kirkland Lake operating throughout northern Ontario. As a member, past director and currently an adviser, I speak today on behalf of the directors of the Kirkland Lake and District Chamber of Commerce, which is dedicated to the better economic development of this area and to the wellbeing of all residents. I am accompanied by Peter Duscharme, the immediate past president of the chamber and a businessman of this town.

In my work as a business and management consultant with over 30 years experience, I am frequently called upon to advise clients with respect to the feasibility of proposed projects or plans for the improvement of existing businesses and to assist owner-managers to solve business problems. There is only one way I can be effective in this work, and that is to be aware of all the facts pertaining to the project in hand and to be aware of all the options available. It is impossible, without such knowledge, to assist clients to evaluate the project and make wise decisions. It is imperative, irrespective of the nature of any proposal or problem being considered by any individual or group, that all facts, figures and options having any bearing upon the subject be available for evaluation to ensure wise decisions.

The members of this committee have no doubt been plied with mountains of statistics during many presentations, and I would assure you that I do not intend to burden the committee with more, but instead will keep my comments to the expression of simple points of view upon the subject.

Toronto, and the surrounding municipalities which make up the greater Toronto area, is faced with a serious problem, the disposal of its waste. It is a problem shared by many other cities in the world and a problem that may face many others in the future. The problems are not the need to dispose of an existing pile of waste as a one-shot deal, but rather it is an ongoing and increasing problem of great concern and requiring a long-term solution.

We are without doubt the most wasteful of all the animals on God's earth and we produce waste at an alarming rate. Yes, we need urgently to find ways of reducing the waste we create and of avoiding our terrible wastage of materials. I applaud the efforts of those who are searching for ways to accomplish this, but we must accept the fact that waste will be with us for a long time yet.

What are the options available to the greater Toronto area for waste disposal? Apparently there is only one. The GTA must keep it in its own backyard, as any other possible options have been to all intents and purposes dismissed

without even being fully considered. Bill 143, especially part II, appears to have effectively closed the door upon and muzzled those who might offer possible alternatives for consideration.

One can admire a minister who makes a firm decision, even an unpopular one, if the decision is based upon careful evaluation of the results obtained from expert assessment of all possible options, but I cannot in all conscience accept and condone the action of a minister which closes the door firmly upon anything other than a personally conceived view. The retention by the minister of sole power to vary the intent of Bill 143, if it so suits, does not in any way make Bill 143 any more palatable. Even if the concept of the bill is well intentioned, it is a travesty of ministerial power to force a single viewpoint upon the people of Ontario. There must be choice based upon consideration of alternative solutions.

Kirkland Lake, and indeed this whole region, has been faced with many difficult problems during the past few years, one of which was the loss of hundreds of jobs due to the closing of the Adams mine and the serious negative spinoff effect upon the local economy which resulted. In addition, the downturn in the overall economy of the whole country seriously affected this region's forestry, manufacturing and mining with the loss of more jobs. Unemployment in Kirkland Lake and the surrounding areas is extremely high, and the number of welfare recipients has increased alarmingly. It is a sad thing to see hundreds of men and women who are able and willing to work denied the opportunity to do so simply because a possible source of employment cannot be assessed or even considered because of the restrictions of Bill 143.

Commerce in general has suffered greatly, with the result that many businesses have closed or declared bankruptcy. It is not the happiest of times, but the people of northern Ontario are determined people and have tried hard to find solutions to the problems facing them. The economic development officers, the mayors, reeves and councillors, the chambers of commerce and groups of people and individuals of this whole area have considered any and every possibility in efforts to create employment and improve local economics.

One private sector proposal, to develop the Adams mine site as a process centre for waste, was and is considered a viable possibility for the creation of much-needed jobs and a boost to the local economy. A considerable amount of serious thought has been given to this proposal by the people of the area, and these people who call northern Ontario home and whose roots are deep in this land, although welcoming an opportunity such as the Adams mine proposal, will not just grab at any opportunity without consideration of the possible costs involved.

The forests, the rivers, the lakes and streams, the flora and fauna of the north are an integral part of their lives and, therefore, in no way will they countenance any proposal which might jeopardize these assets or the health of themselves, their children or future generations without being assured that there are not environmental hazards.

It has been made clear to me by many people and groups in this region, and this is also the firm conviction of



the directors of the Kirkland Lake and District Chamber of Commerce, that the use of the Adams mine site for the disposal of waste would certainly be welcomed, provided that (a) the project would not simply be a landfill dump but would have a guaranteed comprehensive reclamation and recycling component, as outlined in the private sector proposal and (b) the project could be confirmed by a full environmental assessment as posing no risk to the environment or to the people of the region.

In proviso (a), ensuring the inclusion of comprehensive reclamation and recycling components can be assured through the good negotiation of firm agreements between the parties concerned, but for proviso (b), only a properly conducted, full environmental assessment carried out by experts can adequately ensure there will be no risk.

The feelings of the people of Kirkland Lake were made known in a referendum during the recent municipal elections when 69% voted yes to having a full environmental assessment of the proposed project. There is no doubt that a full environmental assessment would cost a considerable amount of money to carry out, but on the other hand, how much more will it cost in welfare payments to support those who might otherwise be gainfully employed if the proposed project became a reality?

All possible options which would be available to the greater Toronto area community for disposal of waste must be open to full consideration. No avenue of possibility must be left unexplored in the search for solutions. The people of Kirkland Lake and area, all of whom are an integral part of Ontario's economy, as such, deserve the opportunity to develop projects which will generate long-term employment and provide economic stability or security.

It is respectfully requested that this standing committee on social development (a) prevail upon the minister to rescind, withdraw or alter Bill 143 to effectively remove any impediments which restrict in any way the right of municipalities to consider all options for the disposal of waste and (b) prevail upon the minister to ensure a full environmental assessment of the proposal to use the Adams mine site as a fully comprehensive reclamation and recycling processing centre for waste.

Madam Chair, the directors of the Kirkland Lake and District Chamber of Commerce express to you and to the members of the standing committee on social development their sincere thanks for visiting Kirkland Lake and for these hearings.

1630

**The Chair:** Thank you very much for a very interesting presentation, Mr Major. In total, just for the information of committee members, there are approximately 10 minutes remaining. I will divide that between the two caucuses.

**Mr Martin:** I want to start by saying that I have nothing but admiration and respect for your organization. I work as closely as I can with the chamber of commerce in my own community because I certainly see it as a significant part of the folk who lay it out there, in good times and in bad, to make sure that all of us have a way of earning a

living. They contribute, not only in that way but also in other ways, to our community and to its quality of life.

I hope, even if this proposal for the Adams Lake mine to be used as a site for landfill does not go ahead, that you will still be interested in the area of recycling and the impact it could have on our economy in the north, and that you would be willing to explore every avenue that we could detect. I hope that you would understand that this bill in no way impedes the movement of recyclable materials across the province, so there are opportunities that we can explore.

However, having looked at this myself from the perspective of my own community and having looked at it in light of some of the discussion here, the issue of recycling is a much more complicated one than I think we see it at first blush, because it is certainly much less costly to do it closer to the source of the waste than it is way up here and then to have to send it back down again. Having made those comments, I would ask, have you done any exploration of recycling opportunities above and beyond the Adams mine proposal, and do you propose to do any of that if this proposal does not go ahead?

**Mr Major:** It is rather difficult to answer. The chamber, in general terms, has an ongoing mandate to look at and examine any possibilities that may come forward, be it manufacturing, recycling or anything else. I do not know at this moment if there are any direct examinations of alternative proposals being carried out. I am not aware of there being any specific plans to look at alternatives, in the form of recycling or other things. I know that the town has considered the segregation of different kinds of waste from local areas, but I do not think we have looked at, or I certainly have not heard of our looking at the concept of bringing in only the recyclables and doing something with them and shipping them out. I do not know if in the local area there would be sufficient volume to call for a large-scale operation for reclamation.

**Mr Ramsay:** I would like to congratulate the chamber on a very good presentation. I would like you to speak to some of those presentations we just had before yours this afternoon. To me, this morning and this afternoon have been excellent opportunities that the social development committee has afforded the people in Kirkland Lake to really sit down all together, people on both sides of this issue, and really start to discuss this issue in a little more detail.

The point has been brought up by many people today that up till now we really have not had that opportunity. I guess it is part of the flaw of the present process that until something like this happens or an environmental assessment starts, you do not have this type of discussion. We have only scratched the surface today, but I think many things have come to light and it has been very constructive for everybody. I certainly welcome the opportunity to be part of the committee this week and be involved in this, and I want to thank everybody for his contribution.

**The Chair:** Mr Wiseman, you have the floor.

**Mr Wiseman:** I would like to pursue something with you. It has to do with the fact that my taxpayers have

indicated to me very strongly that they are really getting a little irritated about paying property taxes, and it has to do with the economics of this deal.

Over a 20-year period, I calculate that Metropolitan Toronto will collect, on a million and a half tonnes a year, somewhere in the neighbourhood of \$4.5 billion. That constitutes the amount of waste that is projected to come to the Adams mine site by the proposal. Kirkland Lake is going to get \$1.10 a tonne on 20 million tonnes, which in my calculation is roughly \$22 million. It is going to cost approximately \$40 a tonne to ship it. What I am having difficulty grappling with is rationalizing in my mind what I could say to my taxpayers, who, in this proposal, are going to put out a large portion of the \$4.5 billion, 92% of it, for it just to be tipped into a hole.

**Mr Major:** You are getting into the areas of economics and commerce here. From our point of view, we are interested in the creation of jobs and so forth, not in making fortunes out of somebody else's garbage.

You have indicated a certain amount of money will be coming to this area for it. It seems very small in comparison with the amount that your people will be pouring out for the services concerned. Surely, that is something that is a local matter there. If you are prepared to pay heavily for a service, you cannot blame the people at the end of the line who are getting fairly paid for it. I think that would have to be dealt with more in the south than in the north.

**Mr McClelland:** Mr Martin, you may want to stay just because I am referring to you. In response to Mr Major's concerns, you stated that Bill 143 will not prohibit the transport of recyclables. For the benefit of our deputants, I want to ask the parliamentary assistant, is the waste or resource, whatever you are choosing to call it, from which compostable material is derived a recyclable?

**Mr O'Connor:** As far as Mr Martin's comment about transporting the recyclables is concerned, there is no problem at all with that. To get a little further into what you are referring to, perhaps we could ask Drew Blackwell from the waste reduction office if he can come up to a microphone and respond.

**Mr McClelland:** It seems to me it is a yes or no answer.

**The Chair:** Perhaps Mr Blackwell will answer yes or no.

**Mr McClelland:** Is the waste or resource from which compostable material is derived a recyclable material?

**Mr Blackwell:** To my mind, that would be, "Are compostable materials considered recyclables?"

**Mr McClelland:** For purposes of policy.

**Mr Blackwell:** Under the proposals that designate materials as recyclables in Initiatives Papers No 1, the answer would be no.

**Mr McClelland:** Thank you.

**The Chair:** Thank you very much for your presentation. I appreciate your coming before the committee today.

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DAVID J. OEHRING

**The Chair:** I would like to call next David J. Oehring. Please come forward and introduce yourself to the committee. This is our last presentation for the day. It has been a long day. I want to compliment everyone who has been here for the decorum and tell you that it has been wonderful being here in Kirkland Lake. You have been wonderful participants in what I think has been an important, although tiring, process for many people. If we could just have your attention 20 minutes longer, I would appreciate that.

**Mr Oehring:** Thank you, Madam Chair. Good afternoon, ladies and gentlemen. You only have 20 minutes left, so stay awake.

**The Chair:** Is that not what I said?

**Mr Oehring:** Pardon?

**The Chair:** Did I not say something like that?

**Mr Oehring:** I am reiterating.

**The Chair:** Well, we will wake them up. Okay everybody, 20 minutes more. There we go.

**Mr Oehring:** I am the former reeve of Larder Lake. I was the reeve for 11 years. I was one of the cosigners of the original agreement between Metro Toronto and the three municipalities.

My presentation starts with a definition of the word "decent" from Webster's Dictionary. Decent means "fitting or becoming; modest; suitable; comely; sufficient." In a democracy, it is a basic principle that the government should pass laws which are in the best interests of the population in general. Further, laws should be written so that they do not infringe upon the rights of individuals or other governing bodies or contain sections that usurp the authority of existing laws. Bill 143 does both these things. A moral, decent society should have laws that are decent. Bill 143 is not fitting, not becoming of a democratic government. Its designers are not modest. It is not suitable or sufficient. Bill 143 is an indecent act.

The weaknesses in Bill 143 have been competently outlined by various municipal and legal presenters in the past weeks and by members of the opposition parties in the Legislature. The aim of this presentation is to use only some of those weaknesses to illustrate to the NDP members of this panel why Bill 143 will have a negative effect on how people in Ontario will view the government and politicians in general.

People in elected positions are concerned about what the electorate thinks of them. All of you here today feel that way. When you ran for election in 1990 you were very concerned. Surely Mr Rae wanted to create a favourable impression when he promised that no landfill sites would be developed without a full environmental assessment. It seems now that the NDP members of the Legislature no longer care what people think of them because they are preparing to pass Bill 143 with all of its anti-people characteristics.

What kind of people would think of passing a bill dealing with environmental protection that has the hypocrisy contained in part III, subsection 17(7) and section 18, exempting



the actions of the authority from environmental assessment? How will the voters feel about members who support a bill so mean-spirited and punitive, as illustrated by the proposed section 19(1) of the EPA, as to force any one of the regions in the GTA to receive waste from outside the region? How does the Minister of Municipal Affairs rationalize an environmental law that supersedes the act he is responsible for? How can NDP members pretend to support such an unsuitable, unseemly bill?

All Bill 143 will do is waste millions of dollars on consultants and lawyers, establish environmentally questionable landfill sites on some of the most expensive land in North America and postpone for years the development of a sane, efficient, safe way to deal with garbage.

In a time when people feel that they are not being well represented by politicians at all levels, this only serves to prove to the people that their elected representatives are not doing the job they promised to do. The people in various towns in the Toronto area made it clear that they did not want to be recipients of Toronto's garbage. The NDP candidates agreed with them, but now these same candidates feel it is all right for other people to receive Toronto's garbage, and possibly garbage from other areas. How will those people view the government if that happens? How will the people affected by these landfill sites view a government that takes such a simplistic, ham-handed approach to a serious problem? Will they judge that it and the Minister of the Environment really took the matter seriously and that their rights and lifestyle and local governments were seriously considered?

On January 23, 1992, this committee received a submission from the regional municipality of York, part of which was entitled "Sky is Not Falling." If there is no great need to find new sites, then why is the minister pushing Bill 143? From the point of view of a municipal politician and a science-minded person, no other conclusion can be drawn than that the Minister of the Environment made a serious error in her response to southern environmental groups and is too stubborn to change the approach taken.

In return for support during the last election, NIMBY groups around the GTA were promised that their areas would not be considered for landfill siting. To appease these groups the minister, not realizing that Ontario is a huge province, made a blanket statement prohibiting transporting garbage. This must have been a hastily decided approach. Otherwise why did the minister cause Metro Toronto to pay \$1.5 million to guarantee its option on the Adams mine site, then a few days later ban its eventual use by Metro with her prohibition? Why else would the minister ignore good, proven technology in waste management and favour the 19th-century approach of burning garbage in your own backyard? If the NDP caucus did adopt a policy banning the long-range transport of garbage, were the members educated in various waste management alternatives so that they could make an educated decision? Why is garbage now being transported to the United States? Is this not hypocrisy?

I would like to comment on the minister's apparent lack of knowledge about the size of the province of Ontario. She referred to Kirkland Lake as a remote northern com-

munity. I am happy to see that you people discovered that you can indeed get here from there. It is not so remote, after all. This is not uncommon, because ever since I have been old enough to follow politics, there never has been a provincial government that actually realized the size and the potential of all Ontario. They never have realized that they are called the government of Ontario, not southern Ontario, not Metro Toronto. I think that if the attitude were taken by the government that it had a whole province to deal with, and not just little sections, that might change the way it handled garbage.

Since the inception of the idea to use the Adams mine site to handle Toronto's garbage, members of the NDP caucus have refused to hear anything about it, as if they had been ordered not to pay attention to it. Is this the behaviour the people of Ontario deserve? Is this how the government will behave, to not listen to any idea which is contrary to the policy of a powerful minister? Is this the image the NDP wants to portray? Of a government which makes decisions involving technology without using technological knowledge, refuses to listen to others who may just happen to have a better idea and then is too intransigent to reverse a bad decision? The people deserve better government than that.

It can only be concluded that the Minister of the Environment wields great authority in this government, because I cannot believe that a majority of NDP members think Bill 143 is a good idea. Assuming that a majority are smarter than that, why has this bill received support? Do members have no input as to the appropriateness of new legislation? If Bill 143 proceeds with substantially little change, and is supported by all NDP members, then, in this writer's opinion, they will be morally bound to resign, because this act has no place in a democracy. The people of Ontario deserve better behaviour by its government.

What will the people think of a government that ignores personal and municipal rights in order to force a political solution to a real problem? What will they think of a government whose members blindly support a very unsuitable law simply because its architect has a high profile in the caucus? Stubbornness can often be an admirable trait, especially when the cause is just. In this instance, "intransigent" better describes the stance taken by this government.

Bill 143 exists because anyone can figure out that there is no way any site in the GTA can pass an environmental assessment. The criteria for site selection to be used by the waste management authority have 10 sections: agriculture, archaeology, biology, design and operation, hydrogeology, heritage, land use, social, surface water and transportation. A practical person would choose a site to which the least number of those criteria apply. The Adams mine site and other sites like it in this province are perfect choices because many of the criteria do not apply. No reasonable person would consider for a moment that any area in the GTA can suit all 10 criteria.

There are eight recommendations.

1. A Minister of the Environment who is willing to investigate new technology is required.

2. Scrap Bill 143 because it is not necessary.

3. The Rail Cycle North proposal by Notre Development must be allowed to proceed.

4. Other sites like the Adams mine should be investigated.

5. Legislation to reduce the volumes of material we buy, and which eventually become waste, must be developed.

6. Industry to use blue-boxed materials must be encouraged.

7. No new blue box programs should be developed until those industries are developed.

8. Incineration of organic waste must be viewed as a respectable way to get rid of organic waste.

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Before I conclude my presentation, I would like to share with you an observation. Today you have heard from a group called REEPA and one called the Anti Garbage Coalition. These two groups have cross-membership, so you really have two presentations from one group. Also this afternoon you heard from at least three individuals, and perhaps more, who belong to REEPA. So in fact you have heard five or more presentations from one group, REEPA. REEPA was created in response to the Notre Development proposal and never has had anything to do with economic prosperity, as its name suggests. The whole *raison d'être* for REEPA is to promote the ideology of its membership, which is really a NIMBY group. Therefore, the opposition is not as great as it may appear.

I would also ask you to weigh very carefully the importance you give to the reason these presenters give for their opposition to the Adams mine proposal. None of us are environmental experts. Questions about the environmental safety of the plan can only be answered by a full environmental assessment. The fear voiced by these people amounts only to environmental paranoia because we do not have the facts. We all have opinions, but none of us have the real facts.

In conclusion, Bill 143 is a make-believe solution to a real problem. The solid waste situation can only be solved with technology and decent laws. The people of Ontario deserve no less. Thank you.

**The Chair:** Thank you very much for a very articulate presentation. There are approximately 11 minutes remaining and I will do my best to hurry along each of the questioners so that everyone gets a chance to get on with his or her question. Mr Sola.

**Mr Sola:** I think, since the major focus of the presentation was the NDP government, I would like to leave most of the questioning to them, because—

**The Chair:** Question.

**Mr Sola:** I have one question which was not touched in your brief. You were an original signer of the deal.

**The Chair:** Question.

**Mr Sola:** The question of compost rehabilitating tailings has been raised by several people, but they have not explained the process, how it would occur. Could you perhaps enlighten us on that, please?

**Mr Oehring:** That idea arose after the original agreement was signed because, I think, Mrs Grier had said that compost facilities would not have to undergo an environ-

mental assessment; it was merely an option. I am not an expert in composting. I have seen only some plans. I do know we felt there would be a market up here because of all the mine tailings that need rehabilitating, and it looks as though environmental laws are going to get tougher and tougher on mining companies. That is about all I could say to answer your question.

**The Chair:** Mr Martin, question. One minute.

**Mr Martin:** I have a brief comment and a question. Is that okay?

**Interjection:** Go for it.

**The Chair:** If you do, you take time away from Mr Oehring.

**Mr Martin:** Threading through your whole presentation seems to be some question about the democracy of how we operate as a government. I just want to assure you, sir, that we did not get into power by default or by some quirk of chance. We were elected by the same people you were and we will face the electorate in three years. In the interim, we will also be asked to make some really difficult decisions. I want you to know that we will have the fortitude to do that. Sometimes the decision will not be popular, but we will do it anyway, and we will, all of us, face the music and be proud and happy to do that at that time.

My question is, in light of your concern for democracy as flowed through here and your comment re the grouping of the anti-proposal people, would it not be fair to say that the pro people who presented today were in some way connected as well?

**Mr Oehring:** Yes, they are connected in that they have a common concern; that is, the economy of the area. You can certainly imagine that they come from a very broad base in the community.

**The Chair:** Mr McClelland?

**Mr Ramsay:** I will go.

**The Chair:** No, I thought we could leave you to the end. As a courtesy, usually the sitting member goes last.

**Mr McClelland:** How soon we forget. Thank you. One brief comment: You talked about the basic philosophy and some of the principles of this bill, and I have been trying to talk about that a bit this afternoon.

**The Chair:** Question.

**Mr McClelland:** The cornerstone of the NDP's Agenda for People in terms of environmental law was an environmental bill of rights. Can you comment, because I know you know what the impact of Bill 143 would be on an environmental bill of rights had it been delivered as promised.

**Mr Oehring:** The people of Kirkland Lake are very concerned about the fact that the Adams mine project may not proceed and then we will be out of jobs, but if I were living in the greater Toronto area I would be extremely concerned for my rights. I have been watching some of the presentations of this committee on television. I saw last week one developer who already is probably planning a lawsuit because he has property around the Britannia Road



landfill site. So you can see that already there is a kind of feeding frenzy getting going, that people are looking around for money to get compensation for their rights being trampled on.

It is fine to cry "emergency," but you have to take the consequences for what people do to you afterwards. I do not see how this law cannot infringe on people's rights, municipalities' rights. Even the other laws of the government are going to be thrown aside.

**Ms Haeck:** I do not represent a riding that is part of the GTA. In fact, my riding is St Catharines-Brock. It is next door to the Ontario Waste Management Corp, which will be accepting, if it is built, your toxic waste. So yes, we do have an interest, all of Ontario, because it is going to be visited upon us. So I guess my major comment is that I really do not think your comments are particularly fair and objective. Thank you.

**The Chair:** Mr Bisson, one minute.

**Mr Bisson:** Jeez, I would love to have about 10 minutes, but unfortunately I only have one. There are a couple of parts to this. First of all, I was surprised in going through the actual document between Metro and Kirkland Lake, of which you are a signatory, that you would have known, or I hope you would have known, that by signing this document—in effect you would have known that you could have gone ahead with this site without an EA. That is the first part of it. I really wonder about that, because that is the first time I have seen that.

The second thing is that I am looking here at a quote that you have made. I will just state what you quoted on June 21, 1991, that this does not generate a lot of jobs related to the Adams mine site, and it does not generate a lot of income.

I ask you the same question I have asked a number of other people. Why is it all of a sudden a change of heart? Is it possibly an ideological position on your part? Are you are opposed to this because it is coming from a New Democratic government, or is it a question that you are really opposed to it because of actual issues? Because I will tell you what this bill does. What you have said for the past 15 minutes—I respect what you are saying, but some of the information that you gave I think needs to be clarified. I wish I had about 10 minutes because quite frankly, sir, I do not think some of the things you said in there were right.

**Mr Oehring:** I will answer your question first on possibly going ahead with the proposal without an EA. I will tell you what I was signing when I signed that agreement. It may take a bit of time; I will speak quickly.

First, Boston township is an unorganized township. Adams mine is owned by Notre Development. Metro Toronto, under the Municipal Act, can buy a piece of property to establish a landfill site. Our three communities were invited, under the "willing host" provisions, to have a role in developing an agreement. All we signed was that, (1) we would support an application by Metro Toronto for an environmental assessment, and (2) in return we get free dumping and a whole bunch of money.

Now your comment about interim use. Are you suggesting that your environmental assessment process would allow that?

**Mr Bisson:** Any long-term site that is looked at would have to undergo a full environmental assessment. That is what Bill 143 is all about, to prevent exactly what is in this document from happening. I find that quite interesting that you would take the opposite—

**Mr Oehring:** Are you suggesting that the law of the land would allow that to occur? You see, we were backed up by the law of the land.

**Mr Bisson:** That is why the law is being changed, because there was a loophole in it to start with.

**Mr Oehring:** An agreement between Toronto and three communities cannot change the law of the land.

**Mr Bisson:** Under the existing legislation at the time—

**The Chair:** This is not the time for debate, Mr Bisson, thank you. Did you answer his question? Are you satisfied?

**Mr Oehring:** I would like to ask where the quotation of June 21, 1991, came from.

**Mr Bisson:** It comes out of the Northern Daily News.

**Mr Oehring:** And it is attributed to me?

**Mr Bisson:** To you.

**Mr Oehring:** I would not have said that.

**The Chair:** Thank you, Mr Bisson. Mr Ramsay, you have the floor. There are three minutes remaining and I thought that as the member for this area you might want to take the last three minutes as a courtesy.

**Mr Ramsay:** First of all, I would like to thank the standing committee on social development of the Ontario Legislature for coming to Timiskaming and specifically Kirkland Lake to hear from the people here and really have the first sit-down of all people on all sides of this issue to have a thorough going-over of not only this bill but, as people wanted to bring in the local issue and the local proposal, to talk about that. I think that is very important.

I think from this we sort of see we probably do not yet have the perfect processes in order to have these discussions. I have great sympathy for people in opposition to this particular proposal who are not adequately funded. It is always in these cases the proponents that have the money because they have investors and they have a proposal to go into. That is why I have always been a supporter of the environmental assessment. Unfortunately a proposal has to go so far before that may be kicked in.

When I was in government we saw the inequity in that and we brought in intervenor funding so a group like REEPA could form a coalition and could be recognized officially by the government as the intervenor in that process and get government funding and you would have some fairness on both sides with everybody able to hire experts and bring the arguments to the table. I still support that that should happen. This question will never go away in this area unless we have a full environmental

assessment where both sides are adequately funded so that all the expertise can be brought to the table so that people and experts can decide. I hope that happens some day.

I really appreciate this opportunity today to have had all this discussion. I think it has been very helpful for our

area. I wish everybody well. We will get back to Queen's Park and continue the process.

**The Chair:** The standing committee on social development now stands adjourned. Thank you all.

The committee adjourned at 1702.



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Wednesday 19 February 1992

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## Standing committee on social development

Waste Management Act, 1991

## Comité permanent des affaires sociales

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Chair: Elinor Caplan  
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Présidente : Elinor Caplan  
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# LEGISLATIVE ASSEMBLY OF ONTARIO

## STANDING COMMITTEE ON SOCIAL DEVELOPMENT

Wednesday 19 February 1992

The committee met at 1002 in the city hall, Kingston.

### WASTE MANAGEMENT ACT, 1991

#### LOI DE 1991 SUR LA GESTION DES DÉCHETS

Resuming consideration of Bill 143, An Act respecting the Management of Waste in the Greater Toronto Area and to amend the Environmental Protection Act / *Projet de loi 143, Loi concernant la gestion des déchets dans la région du grand Toronto et modifiant la Loi sur la protection de l'environnement.*

#### TEDESCO RECYCLING INC

**The Chair:** Good morning, everyone. We are delighted to be here in Kingston today. We look forward to a very productive day. I would like to call our first witness, from Tedesco Recycling Inc. You have 20 minutes for your presentation. Welcome. Please begin by introducing yourself.

**Mr Black:** My name is Rick Black. I am with Tedesco Recycling. I would like to thank the Chair and the other honourable members of the committee. I am most grateful to be given this opportunity to appear before the standing committee on social development today to present to you an answer to a real and pressing—some would say tire-some—environmental problem; that is, the disposal in an environmentally safe and socially acceptable way of hundreds of thousands of automobile, truck, tractor and other tires that presently clog our landfill sites or, alternatively, pile up in so-called managed secure disposal dumps across the province of Ontario.

Before you, lined up on the table, is an automobile tire in the before and after stages of Tedesco's Wallace-Barrington recycling process. Here in these containers are the light hydrocarbon oils—I have taken the liberty of leaving the liquefied natural gas outside the building—

**The Chair:** We appreciate that.

**Mr Black:** —the carbon black and scrap steel from a tire. Here in this bag is the balance of any residue.

The most significant aspect of this process, as you can see, is that it simply breaks the tire back down into its elemental parts or unbakes the loaf, if you will. It does this without contributing any new or additional toxic materials to the environment. It does this without taking an existing disposal problem of some proportion and breaking it down into a series of smaller disposal problems. In fact, this process allows the disposal of used tires and other rubber-based waste to be carried out without adding any additional waste byproducts that would have to be placed in a landfill. The waste from the single tire recycled through our process is contained in this small brown bag. We will deal with that later.

By way of introduction, Tedesco Recycling Inc supports those aspects of Bill 143 that deal specifically with

the diversion of waste material out of the landfills and into recycling facilities. Our specific area of interest is the management and diversion of scrap rubber waste material from municipal solid waste streams into environmentally acceptable recycling processes. It is these processes which will produce and inject high-value byproducts into the mainstream of the Ontario economy.

The dilemma: In June 1989 the government of Ontario established a \$5 tax on the sale of tires. This tax has collected approximately \$40 million annually from the sale of tires for cars, trucks, motorcycles and other users of pneumatic tires. This equates to approximately eight million used tires generated annually. Unfortunately, due to the ease of disposal, 60% have ended up in landfill sites and another 10% in tire piles. Fewer than 10% are recycled into raw material for other products. For the people of this province, these millions of tires have become more than a major landfill disposal problem; they have become a major environmental hazard and have led to situations like Hagersville.

Up to now there have been three alternatives to the disposal of scrap tires in landfill sites: sale of used tires to Third World countries; shredding scrap tires and producing rubber crumb material for manufacture of additional rubber products, and shredding tires for burning as tire-derived fuel. All these processes generate the requirement for additional scrap management after the process. By far the worst of these processes is the tire-derived fuel, otherwise known as TDF. By burning shredded tires, all the material capable of being recycled is lost for ever. All that is left is a smaller, more toxic disposal problem, one that is both airborne and solid waste in nature.

But more important, all these processes together consume only a fraction of the scrap tires generated annually. A more economical and comprehensive solution has to be identified to redirect the flow of this valuable resource away from landfill sites and incinerators. The point is that you simply cannot dispose of a scrap tire unless you are prepared to break it down into its original components. In so doing, the process must contribute in a positive way to improving the environment, maximizing the benefit to the region and the economy and minimizing the resources required and the waste generated.

It can be done. The technology is a catalytic vaporization process called reverse polymerization. This is a process that Tedesco Recycling Inc utilizes to transform a tire into the assortment of recycled materials you see before you.

The solution: The reverse polymerization process, invented by Floyd Wallace and developed by Harold Barrington, had its beginning in 1982 with the first attempt to break down the elemental bonding processes used to create synthetic polymer-based rubber. The first pilot plant was



constructed in 1989 and its results were dramatic. The tire was broken down into light hydrocarbon oils, natural gas, carbon black and scrap steel wire. It is of enormous environmental significance that there were no hazardous emissions or toxic byproducts generated.

The first production plant was designed and built in 1991. It was conservatively estimated that the plant would process 60 tons of shredded tires per day. During the testing, qualification and certification of this unit, it was confirmed that a capacity of 100 tons per day could be achieved. This first plant is located in Oklahoma and is operating successfully.

Tedesco would be very happy to accommodate a visit by members of this committee or experts designated by this committee so that they may witness the reality of this reverse polymerization process. Simply put, seeing is believing. We would of course require the usual confidentiality process to apply to this exchange of information.

The process: Due to the proprietary nature of certain aspects of the process, some of the information has been withheld in this description. The process is remarkably simple. A series of metallic catalysts is contained inside a closed catalytic chamber. By utilizing a series of perforated tubes, the shredded rubber is fed through this chamber. Because of the influence of the catalysts, and the low operating temperature of 425 degrees Fahrenheit, the hydrocarbon bonding is caused to break down or reverse. These hydrocarbon molecules are withdrawn from the chamber in a gaseous state, leaving the particular forms of carbon black, steel, zinc chloride, sulphur and trace elements of nylon, rayon and fibreglass in the converter. All this material is collected and separated for recycling. The gases are moved up from the converter into the condensers where lighter natural gases are removed before the complete condensation of the hydrocarbon-based oil occurs. All material is collected and stored pending sale and distribution.

Because of the low temperature of the process in the catalytic converter, the rubber never passes through a liquid stage. This permits the light oil used in the original tire manufacturing process to be extracted with minimal molecular breakdown, allowing further refinement and reuse in a range of petrochemical feedstock and/or special products. The natural gas, of which 20% is used as fuel for the process, is also sold to the gas industry for distribution.

The plan: Tedesco Recycling Inc plans to establish a collection process on a province-wide basis for all waste rubber, including tires. This collection process will be established and set up in cooperation with the municipal authorities and with their approval.

Tedesco's collection will establish, for residential areas, a central collection system of containers to be located at easily accessible points along major transportation arteries; offer a low-cost pickup service, using dedicated containers to large rubber-related manufacturing operations, to encourage the recycling of products scrapped or rejected during their specific manufacturing processes; provide all municipal landfill sites with containers for the storage and removal of tires and other waste rubber. Site operators will be charged by the tonne for the removal of these rubber wastes.

Underlying our activity, Tedesco would provide all necessary services and equipment to remove from the environment all those tires presently stockpiled in Hagersville-type dumps all across the province. All rubber-based material collected will be shredded and transported to the main processing facility, which will be located in eastern Ontario.

#### 1010

From a cost-benefit analysis point of view, presently the province of Ontario collects \$5 on every tire sold in the province. In addition, the retailers and commercial vendors of tires charge the buyer a disposal fee of approximately \$3 for their old tires. Tedesco Recycling will reduce this total cost to the consumer.

The collection service referenced above will provide a free, no-charge service to all residential areas and commercial establishments involved in the sale of tires. As indicated, there would be a tonnage fee applied to the collection from manufacturers of rubber products and for the cleanup of existing stockpile sites within Ontario.

By removing from the environment the potential hazard associated with stockpiling and the reduction of waste streams into landfills, we view this collection and recycling activity as a saving to the people and the province of Ontario.

It is our plan, with the cooperation of the province of Ontario, to collect and recycle all waste rubber from the environment and reinvest this important economic benefit back into the Ontario economy.

**Mr Daigeler:** As the provincial member for Nepean, it is a pleasure to welcome you here, even though your actual location is not in my riding. You are actually located in Ottawa-Rideau, but nevertheless it is a pleasure to see you here and hear a very impressive presentation on a very impressive project and initiative.

I read in the newspapers recently that you have received a grant from the Ontario government to help you along. I wonder, can you tell me what precisely the grant is from the Ontario government and what it supports?

**Mr Black:** I would like to confirm that, to the best of my knowledge, we have not applied for and have not received a grant. That is not to say we will not be applying.

**The Chair:** Especially now that there has been a report in the newspaper that you did.

**Mr Black:** Maybe the cheque is in the mail.

**Mr Jackson:** I doubt it.

**The Chair:** Do not lose your sense of humour.

**Mr Daigeler:** I was trying to read good news into what I read in the paper. What was the story about in the newspapers?

**Mr Black:** Two articles have been in the paper recently. One, in the Toronto Star, announced that we were going to be introducing this technology to Ontario and to Canada as a whole. The more recent article, in the Ottawa Citizen on Sunday, was a bit of a tongue-in-cheek article in that it basically said that this process is magic, but it is not magic. To be honest with you, we do not know what the catalysts are. The present patent is a Coca-Cola patent, in that a very

limited number of people know what the technology is. The secrecy is tightly maintained. It is a very simple process. The rubber goes in the top, the oil comes out the middle and the carbon black and the steel comes out the bottom. It runs with a crew of four people per shift, 12 people per 24-hour period. It processes shredded rubber.

**The Chair:** What quantity can you do per shift?

**Mr Black:** It runs 33 tonnes per 8-hour shift or a hundred tonnes per day, per 24-hour period.

**Mr Wiseman:** I am curious about the markets for the byproducts. Could you give us some indication of where they go and what they are used for?

**Mr Black:** We just had the oils tested by the Department of Energy, Mines and Resources in Ottawa. Their recommendations today are that we direct the oil product back into the petrochemical industry. A number of very interesting components come out of the oil which we are still investigating, but typically, the oil was used as a petrochemical feedstock in the rubber manufacturing industry, to make the fundamental rubber compound, and it is ideally suited to go back into that area. The carbon black can be used in remanufacturing of rubber components, plastics or printing ink. We have presently negotiations going on right now with a very large supplier of printing ink, who needs to buy 24 million pounds of it per year. The steel is two inches long and is coated with carbon black, because it comes out with the carbon black in the process, and it goes right back into the steel furnaces to be melted down into new steel product.

**Mrs Mathysen:** Thank you Mr Black, very interesting. Now you said that you were going to tell us about what was in the paper bag, and I am very curious. Will you let it out of the bag? Will you tell us how much per tire that is and how you will dispose of it?

**Mr Black:** The answer is there should not be anything in the bag. There must have been some small rocks in the tire. That is the only pollution that results. If you look at that tire, I will bet you there are a couple of little pebbles in the bottom of it. They must have been in there when it went into the shredding because virtually nothing comes out of the plant. The fuel that is burned is natural gas, like what is burned in your homes, and everything else is closed. When they make a tire they do not put dirt in it; they do not put foreign elements in it. So when you unbake the loaf not only do you not get out contaminants, but we have the ability, as you can see, to separate the white flour from the whole wheat flour.

**Mr Daigeler:** You mentioned that you have a plant currently operating in the US.

**Mr Black:** In Oklahoma.

**Mr Daigeler:** Can you tell me how that plant got to set up? What was the approval process on that? I think that would be interesting for the committee, given that is the direction in which the work of this committee is going.

**Mr Black:** Preceding the first production plant in Oklahoma, they built a pilot plant that processed seven tons per day. They operated this pilot plant for 18 months, and during these 18 months of operation they had a contin-

uing dialogue with both the Oklahoma state department for environmental control and the Texas authorities. When it was all over, the plant that was built in Oklahoma was supposed to move to Fort Worth, Texas, because you may recall some years back they had a very serious tire fire in Fort Worth. Following the successful testing of the first production plant in Oklahoma, the state of Oklahoma came to some financial arrangement with the operators of the plant built for Texas, and it is now staying in Oklahoma.

They have tested the air; they have tested the water for the cooling water on the condensers. There is no environmental permitting required because the process produces no pollution, no pollutants; nothing goes into landfills. We are in discussion right now with the Ministry of the Environment in Ontario. We are simply telling them, "Look, if you have any regulations that pertain to the operation of this plant, we will meet or exceed them, and if we need a certificate of approval, we will apply and get one."

**Ms Haeck:** A most interesting presentation, and as you probably realize, there are a few people out there with ideas about how to deal with tires. I have some little bricks in my office that somebody locally gave to me about what they feel is the appropriate method of dealing with scrap tires.

You raise a couple of other interesting points. Under the process, you indicate that you are creating natural gas. It is sold to the gas industry, I assume, already in Oklahoma. Are you in any kind of negotiations with Consumers' Gas or Union Gas here in Ontario with regard to a cogeneration project, if I can use that word, with regard to natural gas?

Under the plan, my next question relates to where you say that you would charge site operators for the removal of rubber wastes. Somewhere along the line the costs would be borne. Around tipping fees, whoever is dumping it obviously would be paying, and it is passed down. I guess my question is, it would not really be totally free?

1020

**Mr Black:** I will answer your first question on natural gas. We have had talks with Union Gas and there is interest in terms of utilizing the compressed natural gas that we will have left over after we have used 20% of our own production. We produce approximately 200,000 cubic feet of gas per tonne of product into the plant, and we would be able to sell it either as fuel or as gas back into the gas line or for the cogen application as a heat source for secondary drying and other applications.

On the subject of the plan, presently, as you know if you have bought a tire lately, it ends up costing you about \$8 a tire to get rid of your present tire. What we would propose to do, we would go to the Ministry of the Environment and say, "We will collect the tires and bring them to the door of our plant in the shredded form." In the near term of that program, it would cost \$2.50 a tire, and after the facilitation portion of the contract, then the cost would dramatically drop down to about \$1.50.

**The Chair:** I know you have probably a lot more information that Ms Haeck or the other members might be interested in. You can communicate with us either in writing



or the members can talk to you privately, but we do appreciate your coming. It is interesting to see what Ontarians are doing and how innovative we are becoming in the area of recycling.

**Mr Black:** I would just simply ask the clerk if she wants me to leave the samples or take them. I already know what her answer is. Thank you.

#### QUAKER OATS CO OF CANADA LTD

**The Chair:** I would like to call next Quaker Oats. I would ask that you come forward. You have 20 minutes for your presentation. Please begin now and leave a few minutes at the end for questions, if you would. Just start by introducing yourself for the record.

**Mr Stewart:** My name is Frank Stewart of the Quaker Oats Co in Peterborough, Ontario. My comments will be directed to part IV of Bill 143, the amendments to the Environmental Protection Act.

The Quaker Oats Co of Canada believes that effective, environmentally responsible management must influence all of our operations. We believe that a healthy environment and a healthy economy go hand in hand. We also believe that the only way to achieve a good understanding of the waste you are generating is through source separation and recording the amount of waste and what areas are generating that waste. This is accomplished, of course, through good waste records and waste audits. In our plant, these audits are carried out by hourly employees in their own departments. This information is then fed to a central person and a complete plant audit is then put together.

The advantages I would like to point out of using employees are: They are very knowledgeable of the process and the materials used in that process; they will have a better understanding of why we need to further reduce the waste; they are in the position to offer suggestions on how the waste can be reduced as it is identified; the employees fully understand the importance of the audit; it is more cost-effective to use your own employees.

I point out what we are doing in the plant to help me emphasize that we do believe that good waste management is very important. We also recognize the impact reducing waste has on how cost-effective a business is. We believe this is the area that should be emphasized and that perhaps this bill should be addressing, especially in this economic environment we are in.

We feel that Ontario could achieve its waste reduction target by directing initiatives towards convincing businesses that doing waste audits and reducing waste is a good cost savings project. A portion of the resources that are being used in current waste initiatives could perhaps be directed at creating and nurturing recycled material markets. An intensive campaign of the facts and the benefits of good waste management, delivered perhaps by a non-government organization, would have the desired effects without the government intervention that is being seen by some businesses through the introduction of this bill.

It is very important that we do achieve waste reduction and we do support any initiative that will achieve these objectives. We feel, however, because of the speed at which the bill is being dealt with and the deadlines that are

being imposed on us that these hearings are perhaps only an exercise. We recognize and understand that waste management is a very important part of good business management; this bill fails to recognize and support this effectively.

The Quaker Oats Co of Canada respectfully suggests that a longer period of volunteer reduction be given, augmented by an intensive campaign on the benefits of reducing waste and becoming more competitive in today's world market. I would like to offer that we have a lot of background information that is not written here because I did not want to take up the full 20 minutes talking; that is available to anyone, and we will gladly give that out freely. Thank you.

**Mr Lessard:** It is good to see a corporation such as Quaker Oats taking this initiative on its own and being very successful at it. You have talked about where you think the emphasis should be in a non-government organization involved in a campaign to encourage efforts similar to what you have undertaken. Do you have any ideas as to who that might be or how that might be done? Because it would seem, no matter who was going to do it, the government would have to be involved.

**Mr Stewart:** Yes, certainly they have to be. Actually I have been meeting and working with the waste reduction office and a lady down there with that very problem of getting organizations and perhaps some of the business organizations; some of them have volunteered. The Recycling Council of Ontario has volunteered. A number of associations and organizations have in fact volunteered and said, "My company is quite willing to work with that," which we have been.

**Mr Lessard:** Are you working with any groups or associations now? Are you part of an industry group that is investigating these types of initiatives?

**Mr Stewart:** Yes, we are. I do not personally sit on any of them other than the Recycling Council of Ontario, but a number of us are working in this area, and yes, we do belong to a number of associations that are working towards promoting waste reduction because we really believe that it is good cost savings. We have those numbers.

**Mr McClelland:** Good morning, Mr Stewart. Thank you for being here. There are a couple of comments that you may want to expand upon. One is the perceived intervention of the government with respect to the business initiatives that are under way. We have heard from many people that business negotiated in good faith with ministers of the environment across this country and came together with a national packaging protocol, which I think philosophically ties into what you are saying. We had on one hand an agreement that was entered into voluntarily, and now the government says, "We are sorry. We have set our sights on being the leaders and standing out," and in so doing have put in jeopardy that particular process. I think what we have here is a bit of a problem in terms of trying to find out where we are going and the certainty of where we are going with business. You may want to comment on that.

I am going to make a comment more rhetorically on the other fact that you mentioned. You may want to comment. You said that these hearings are just an exercise with very

little meaning. Let me tell you that is one of the great concerns I have had. We have heard people from across this province, we have travelled and the minister has said: "I am sorry. I'm not changing my mind about anything."

The fact of the matter is that the government did not even want to have public hearings; the fact of the matter is that it wanted this bill introduced and passed before the middle of December; the fact of the matter is this government only agreed kicking and screaming to public hearings and did it with great, great reservation and really because it was embarrassed into doing it. Having given the hearings, the government has now said and the minister is quoted in the paper this week as saying: "I am sorry. I'm not making any changes. Our minds are made up. We will let you go through the exercise of presenting what you have to say, but we're not going to listen to you."

I can understand your frustration, because that has been the theme of this government throughout the course of Bill 143. It says: "We know best. We don't want to talk to people. We have all the answers." Quite frankly, I find that frustrating in terms of the process this government said it believed in prior to being elected, and recognizing the very valuable role business has to play in dealing with the problems.

So I share that frustration with you, sir. I hope I am proven to be wrong. The minister, though, I remind you again, has said: "I'm sorry. I'm not making any changes. Our minds are made up. We're going into this. We have all the answers. We'll go through the sham of public hearings and we'll go through the expense of them, but don't expect us to listen to you." I am greatly disturbed by that.

1030

**The Chair:** Did you have a comment?

**Mr Stewart:** A very short one. The reason I made the first part of the statement is that I in fact was at meetings like this. As a matter of fact, I spoke to the chairman of one of the organizations who also worked for a very large company and he was absolutely against all this. But I asked him, "Do you not have any good business cost-reduction programs?" "Oh, certainly." And I said: "That's what this is. Reduce your waste. It makes good business sense." So that is why that statement. I will pass on the second.

**Mr Wiseman:** I cannot let my honourable friend's comments go by and leave the impression the minister is not going to change anything in this bill, because in fact there are amendments already. There is a news release about amendments and the consideration of amendments. In fact, there are numbers of presentations such as yours that have come forward with excellent ideas and have put forward some suggestions that are really worthy of consideration and which I believe will probably show up in the final analysis.

I applaud all the good companies that do the waste management audits that you do. I have companies in my own riding that are now so efficient in the use of materials that they are talking about how to use one sixteenth of an inch layer of scrap that comes off and rebuild it back in, because they know that every unit that comes out of that material is a unit of profit and a unit of product that they

could put into the marketplace. There are a lot of very good ideas working through the system, in cooperation with the workers, as you are saying, and I applaud that. I think that is wonderful. I like the notion of volunteers, because that means a total commitment.

As you know, no law would ever be necessary, no regulation would ever be needed if there was always 100% compliance. We would not need laws saying that you do not drink and drive if people did not drink and drive. You would not need laws about speeding if people did not speed. We are in a situation here where the waste reduction office is very willing to discuss all of these possibilities with all the various stakeholders. But there is that group, the 2%, the 5%, that makes it difficult to really manage the waste stream. I am just wondering if you have any ideas on how to get the person who will not volunteer to do what is good for him.

**Mr Stewart:** Probably someone at the back is going to throw something at me. We really believe if they do not, they will not be in business, because that is one of the ways we can be competitive in this world market that we have gone into very rapidly. As a matter of fact, we are going into it so rapidly that we are having problems adapting to some of that. I truly believe it is one of the things we need to do in order to stay in business.

**Mr Wiseman:** Do you think the waste reduction office, in the whole negotiations around the initiatives papers and the cost and everything, is a good educational tool to get people to come to the table and understand this?

**Mr Stewart:** Yes, I applaud that. I really appreciate this hearing and the meeting and the opportunity to get to speak and the work the people in the waste reduction office are doing. They are working very hard and they truly want to help. The problem, I guess, is the time. With some of the ideas and some of the things we talked about in order to get that really working by July 1, I have my doubts we can do that.

**Mr Jackson:** Mr Stewart, what is the nature of the environmental waste that Quaker Oats incurs?

**Mr Stewart:** It is off-spec material that we do not take to the landfill any more. All our waste is non-toxic. It is very useful and valuable if we can find the markets for the recycling of it. It would be some food waste that got on the floor through spills. That is the type of waste we are still trying to deal with.

**Mr Jackson:** How are you dealing with it?

**Mr Stewart:** By working with our employees and by doing waste audits. We have in fact reduced our waste to the landfill by 80%, and this year it looks like we are getting another 33% of that remaining. But we find, as we do these waste audits more and more, that we still have a tremendous amount of waste that we did not even recognize. That is why we really promote any kind of waste audit or waste studies recording waste. We are dealing with it through our employees. The employees have in fact accomplished what we have done. It is employees working for us.

**Mr Jackson:** Are there any initiatives from your company with your undersized packaging?



**Mr Stewart:** Yes.

**Mr Jackson:** I realize any given product may be packaged as many as five or six different ways size-wise.

**Mr Stewart:** Yes.

**Mr Jackson:** What are you doing in order to reduce that?

**Mr Stewart:** There is one project that has not quite happened yet. It will be to put it all in one size, for instance, going up and down. This used to be market-driven, but the consumer is changing. It is a very tight rope to walk because on the one hand, unfortunately, two of the products that are our best sellers are what I consider bad packaging.

**Mr Jackson:** We will not quote you on that.

**Mr Stewart:** No, please don't, or I may not have a job when I get back to Peterborough.

**The Chair:** Mr Daigeler, you have the floor. Try to keep it to a minute, will you please?

**Mr Daigeler:** The waste audit you have instituted yourself, did anybody encourage you to do that or did the company do this on its own? Also, when did you do it?

**Mr Stewart:** We have actually gone through it twice. In 1986 when we started this program, we started our own waste audit, which was really recording our waste. When we went through the plant and got the reduction that we were really amazed at, we could still see more there, so we started again. It is definitely a cost savings. That is why we do it.

**Mrs Mathysen:** As Mr Wiseman pointed out, there will be some minor amendments to improve Bill 143, but let me assure you that the philosophy of responsible waste management and protection of the environment as set out in Bill 143 will not change.

**Mr Stewart:** We have had a number of presentations from businesses that say if they go through waste audits they are not going to be competitive. I wonder if you could give me a sense of what kind of fiscal savings Quaker Oats has experienced by being responsible with its waste.

**Mr Stewart:** The waste reduction we have publicized and talked about in a lot of areas, using last year's fiscal, with cost savings and cost reduction and use, is worth about \$1.2 million.

**The Chair:** Mr Stewart, thank you very much for your presentation today. I know I speak for all members of the committee when I say how interesting and informative it was. We appreciate your coming before us this morning. If you have any additional information over the course of these hearings, or if anyone who has the opportunity to see the hearings on television has any information to share with us, you can do so in writing through our clerk.

#### CITIZEN REVIEW COMMITTEE FOR WASTE MANAGEMENT OF OTTAWA-CARLETON

**The Chair:** I would like to call next the Citizen Review Committee for Waste Management of Ottawa-Carleton. Please come forward and introduce yourself. You have 20 minutes for your presentation. We ask if you would leave a few minutes for questions at the end. Welcome.

**Dr Daechsel:** My name is Werner Daechsel and I am part of the Citizen Review Committee for Waste Management of Ottawa-Carleton. Our submission has already been accepted as a written submission. I do not know if you have actually received it or not. I plan to spend just a few minutes introducing the subject and leave as much time as possible for questions.

**The Chair:** All members of the committee have received your written submission. It becomes part of the public record.

**Dr Daechsel:** There is also a video on the subject of landfill mining that is available to the committee.

**The Chair:** If you make the video available to our clerk, she can make it available to members of the committee.

**Dr Daechsel:** Our submission is actually specific suggested amendments to Bill 143. We very carefully studied it and we also, believe it or not, very carefully read all of Hansard about it, so we feel we have a little bit of background.

The changes we are suggesting are in three areas. The first is landfill mining. The second is to provide for responsible processing for waste transferred across municipal boundaries. I realize this is a contentious topic, but our concern is that provision be made in the bill to make the director or the minister provide for adequate financing to adequately process the waste. The third is that we take exception to that 30 days and no answer from the director with respect to public participation. We find that very hard to believe. We realize it is just applied to Toronto, but we realize also that if you do not change that, some day it will apply to Ottawa.

First, we are in agreement with Mrs Grier that the environment is better served by using existing sites, particularly when there is no evidence of a problem, as long as you continue to monitor it. We also agree with Mrs Mathysen, who is here, that there is no place that is "somewhere else". I do not know—you may have more experience in that from yesterday's experience.

#### 1040

We are proposing that you add into the things the province has to consider, landfill mining and rehabilitation. We have carefully followed the experience in Collier county and Naples, Florida, and we have visited it about four times over the last three years. We are convinced this is a very worthwhile alternative for Ontario. You can recover, at least it has been reported that you can recover, about 80% of the original landfill capacity, and I will be glad to answer some more questions on that. I made a special trip a couple of weeks ago so that I would be able to speak at first hand.

In terms of the conditions we think should be financed when waste is transferred across municipal boundaries for the receiving municipality—as you may know, in Ottawa-Carleton we are now a receiving municipality for Kingston's waste—I have outlined a number of things we think should be covered, including a contingency fee. We think that has to go into the act, because there is no way it is going to be looked after if it is not in the act, and the

amounts that will be paid to the receiving municipality would be very arbitrary. This is the second focus.

The third focus is on the fact that the director can put one ad in the paper and does not have to answer anything. We have suggested that first of all there be three ads of at least a quarter page, that it be over 14 days and that he has to respond in writing to the people who make the submission. He also has to advertise, where he does not do what he has been asked in submissions, why he does not do it. To allow a bureaucrat just to completely ignore the public input is too much like the experience we have had to date.

Just as a little bit of background on ourselves, we have done 60 site visits and about 20 off-site studies in Europe, the United States and some in Canada. Our focus has been on practical details. We feel it is important that Ontario exploit the newer techniques. We also feel that you have to take the whole picture into account. What we forget is that we probably paid something like \$5,000 to \$15,000 when we bought the tonne of waste we produce, and certainly it should not be unreasonable to at least spend 2% to 6% of that to look after it properly so that we make the maximum contribution to a self-renewing environment.

We think some social coherence has been challenged in many communities, including our own, when inadequate care is taken, particularly with respect to landfill. Part of the problem is the entombment myth, which is still the ruling myth that our present MOE operates under. We need some changes there, and we think Ontario could be part of the leading edge and have some return if it would become more progressive. If you leave the act as it is, with powers or similar suggestions for amendment, you are just going to carry on for ever in the mess we are in. I do think there is enough in the act that you can work on to make it really worthwhile.

I said we read the original act and Hansard, and we look forward to reading the final act and also the Hansard to see what the various members say about it. With that, I would like to have as many questions or comments or arguments as possible.

**Mr McClelland:** As a significant leader in your community, sir, with respect to citizens' involvement in waste and more importantly the broader scope of environmental issues and concerns, I take it from what you are saying that you see a lot of merit in this particular legislation. I read between the lines that you believe it is fundamentally sound in terms of its foundation and want to have some addendums and some amendments to it to give it more efficacy from your point of view.

I am curious, sir, that you mention one of the concerns you have is the lack of public participation, an opportunity for the public to respond pursuant to the director's powers. I wonder if you can help me, given the fact that Bill 143 very specifically says, among other things that, as one of its fundamental principles, that to the extent necessary, to implement the minister's waste management policies, she is prepared to override the Environmental Assessment Act, the Environmental Protection Act, the Planning Act, the Ontario Municipal Board Act and a variety of other acts, any agreement or contract that has been signed between people and institutions, any agreement or contract

that has been signed between municipalities such as Kingston and Ottawa-Carleton, the Laidlaw contract. Furthermore, any other impediment that may be legislatively enshrined the minister is prepared to remove by way of regulation. That is one of the foundational cornerstone elements of Bill 143.

Yet you say you like Bill 143 and that one of the complaints you have about it is that it limits public participation vis-à-vis the director. I find it a curious, almost irreconcilable dichotomy, in my mind, that we have this legislative framework that says in the final analysis the minister is virtually omnipotent, and apparently omniscient as well, because she seems to know everything and have all the solutions and is prepared to impose them without the benefit of citizen involvement. Notwithstanding the fact that this was promised prior to the election, notwithstanding that it was promised there would be no expansion of sites, the minister is prepared to do it. Now we have legislation that takes away all those rights. As a member of a citizens' group and an organization that I believe has a valuable contribution to make, does that not concern you, sir?

**Dr Daechsel:** No, not exactly, at least not exactly in that way. What I am concerned about is that whenever shortcuts are taken, there still be a residual opportunity for citizen input. As we have experienced over the last five or six years, I think the existing maze of legislation requires that at some point there is a shortcut.

As you all know, the best way any union can stop an operation is to work to rule. If you really worked to rule under the old maze of legislation it was almost impossible. It helped, and we used it. We basically stopped the incinerator or at least we were one of the key groups to stopping the incinerator in Ottawa-Carleton, but it was at a terrific cost. I think that basically as we interpret Bill 143, we see the need and do not quite have the same experience as Toronto, but close to it. We think maybe it is an alternative that is worth considering with some of the safeguards we would like to see added.

**Ms Haeck:** I would like first of all to thank you for coming and bringing a rather different perspective. This is the first time we have had a presentation like this. I know there is mining going on out there but not very frequently. I would like to ask you about your trip to Florida and Collier county. What are they really doing with the items that they are recovering?

**Dr Daechsel:** Recyclable items such as metal they are selling on the regular recycling market. At the moment they do not have a market for plastics, but they are hoping. They are working on that.

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**Ms Haeck:** We have heard of some area where they are mining and where they are actually incinerating what they are taking out of the mine.

**Dr Daechsel:** Actually, that is how Collier got started. They thought that was what they would do, but once they got going they decided that was not the thing to do. As a matter of fact, when I was down in Florida the governor there had just taken a stand similar to Mrs Grier's. He said



there were going to be no more new projects for two years. The county next to them, which very foolishly overlooked the experience next door, has already spent millions and millions of dollars on a proposal. I am not sure how it has come out, but the governor and his council has to approve it. The governor just announced the day we left that he was going to put a ban on incineration for two years. They did a quick public survey and about 60% to 65% were in favour of the ban.

**Ms Haeck:** What are they doing with the plastics in the meantime?

**Dr Daechsel:** In the meantime they are putting them back in.

**Ms Haeck:** Encapsulation so they can easily find them again. Is that it?

**Dr Daechsel:** No. Unfortunately they are not, but certainly you could do that. They are like everybody else. They did not have a lot of money. They did it mainly on the enthusiasm of the director, who I think deserves a lot of credit. In fact, he got a national award for his work. But he does think now that he has somebody who is going to recycle that plastic.

**Mr Daigeler:** Welcome to Kingston, Werner. What do you mean by "the entombment myth must give way to a self-renewing environment objective"?

**Dr Daechsel:** The big problem with landfill now is that we have the fiction that we can somehow isolate it from the environment. We cover it and keep the water out, which does not facilitate its degradation by natural means. One of the reasons the system worked in Florida is because they have so much rain and therefore the water was supplied by nature. Certainly what we need to consider is recirculating the leachate and having it degrade as quickly as possible so that we can mine it as quickly as possible, which is a philosophy entirely different from how most of our present sites are operated.

**Mr Lessard:** You have certainly done some homework to prepare for your presentation here today. I think that is admirable. You have made some suggestions and I have made note of some of those. I wonder whether you have read Initiatives Paper No 1, because I do not think that was something you mentioned on the list of things you read.

**Dr Daechsel:** No. I read the act in the Hansard. That is all I have read.

**Mr McClelland:** I am just going to come back to the point I was trying to make earlier and ask if you understand, and I am sure you do—you referred to the existing laws as a maze—notwithstanding that, that the maze provides citizens' protection, that it has been a body of law that has evolved with a lot of people fighting very hard to have it, that in the absence of this there could be a project brought forward with which you fundamentally disagreed and saw as anti-environment in every respect and that the very thing you see as a maze would be a protection that would no longer exist pursuant to Bill 143.

**The Chair:** Question, please.

**Mr McClelland:** Consider the other side of the sword if you will, but it could come back to haunt you very significantly in the future.

**Dr Daechsel:** Our experience in the past was that it was a soft pillow. I have not done all the legal research to say that this act does not really set it all aside, that it amends it and provides an emergency situation. I am saying that if you have an emergency situation, let's provide a little more protection directly for that emergency situation with respect to public participation. I think that what we have asked for here is a reasonable amount of protection to have some decision-making in a reasonable amount of time.

**Mrs Mathysen:** Thank you for coming. We will provide you, I hope, with Initiatives Paper No 1. It does talk about source separation. I have done some background reading. One of the things you suggest is reusing the landfill site, mining it and then using it over again. That presents something of a dilemma for people who live near a landfill site and are looking forward to the day it closes. Can you help us with that?

**Dr Daechsel:** Yes. We need to bring landfill into a state of grace. It is in a state of disgrace because of the terrible way we have been doing it. We need to educate the public once we improve it, but we have to improve it first so that we are operating it in a responsible manner so that this is its contribution to the community.

I do not blame anyone now for objecting to landfill near them the way it is operated now, but I also know that if it is done in a really responsible manner there should be no reason why you cannot do it. As a matter of fact, an interesting personal thing is that we have a daughter who works in the health department. A few years ago when I got active somebody at work said to her, "Would you have it in your backyard?" She said, "Yes, if it was done right I would have it in my backyard."

**The Chair:** Thank you very much for a very interesting presentation. We appreciate your coming forward today.

#### NONPRESCRIPTION DRUG MANUFACTURERS ASSOCIATION OF CANADA

**The Chair:** I call next the Nonprescription Drug Manufacturers Association of Canada. Would you please come forward and introduce yourself to the committee. You have 20 minutes for your presentation. Please begin your presentation now.

**Mr White:** My name is Robert White. I am here today on behalf of the Nonprescription Drug Manufacturers Association of Canada. I would like to thank you for giving me the opportunity to come here and speak to you today as you consider Bill 143.

The Nonprescription Drug Manufacturers Association of Canada, to give you some background, is a 96-year-old trade association. We represent 48 manufacturers and distributors of non-prescription drugs and 67 associate companies which supply goods and services to the industry. The vast majority of our members are based in Ontario, and for this reason they are very concerned about some of the

implications of Bill 143. Our concerns in fact are in two major areas. The first is packaging audits and work plans and the second relates to two clauses in Bill 143. What I would like to do is to start off with packaging audits and work plans.

Our association is committed to reducing solid waste. We have participated in the development of the national packaging protocol and supported its objectives. We have also endorsed Guidelines for Preferred Packaging Practices and we are currently developing industry-specific packaging practices for the manufacturers of non-prescription drugs. In addition, next month we will be holding a major workshop for all members of the pharmaceutical and cosmetic industries so they may develop a procedure by which to audit packaging use and use these plans and this information in decision-making in their respective companies.

Part of the challenge that does face our industry is how to reduce packaging in the complex and detailed regulatory environment under which we must operate. Non-prescription drugs are regulated under the Food and Drugs Act, and federal regulations affecting packaging correspond to its power to protect the health and safety of Canadians.

The packaging of non-prescription drugs must maintain the integrity of the product and meet legal and regulatory requirements relating to the safe use of the product as well as communicating information to the consumer. Non-prescription drug manufacturers also have special packaging requirements such as child-resistant packaging and tamper-evident packaging. Also, the amount of information which must be on labels and/or cartons affects the amount of packaging associated with non-prescription drugs. The drugs directorate of Health and Welfare Canada in fact has a 47-page guideline which explains what information must be contained on the labels of drugs for human use.

Even though the regulatory environment does affect the choice of packaging for many of the products, the industry is actively responding to the desire of consumers to purchase products with reduced packaging. The national packaging protocol has set a target of packaging sent for disposal to be no more than 80% of 1988 levels by December 31, 1992. We are confident that industry, including non-prescription drug manufacturers, will achieve this target.

Therefore, we believe that Ontario's proposals requiring manufacturers to file packaging audits and work plans on a yearly basis are not only unnecessary but ill-advised. A cost-benefit analysis of the waste management office's program to monitor packaging use in Ontario should be undertaken. The cost for any program must not exceed the benefits to be expected by society. We believe an analysis would reveal that the implementation of new programs to monitor packaging reduction is too costly, especially in light of other planned program reductions in response to Ontario's budgetary deficit.

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Because Ontario regulations can only apply to manufacturers based in Ontario, it puts Ontario manufacturers at a competitive disadvantage. Manufacturers in other prov-

inces or other countries will not have to provide audits or work plans to provincial authorities and will therefore obtain economic cost savings and yet still be permitted to market products in Ontario.

Ontario's packaging audits and work plans should be presented to the National Packaging Task Force for incorporation into the national packaging protocol. This will allow Ontario to have a leading voice in the fight against excess packaging and yet not harm the competitiveness of Ontario's manufacturing base.

The next thing I would like to discuss are two specific clauses of Bill 143 that are causing concerns. They are both under the heading, "Litter, Packaging, Containers, Disposable Products and Products that Pose Waste Management Problems."

Clause 136(6)(l) would allow the minister to unilaterally ban the sale and use of products which someone considers to pose a waste management problem. This type of broad statement, enacted in legislation, is effectively a licence. If it is determined by unknown criteria that the product poses a waste problem, poof, it is gone. This clause is too vague to be included in rational legislation.

Another concern that we have on Bill 143 relates to clause 136(6)(f), requiring the placement of a notice or mark on products to indicate waste management or environmental concerns. This proposal is also without specifics or criteria for implementation. Non-prescription drugs, as I previously stated, are heavily regulated and manufacturers are having an increasingly difficult time providing all the information which is required on labels. The addition of more notices or marks, which require more space, is not in alignment with efforts to reduce packaging. We also believe that the addition of more symbols would serve no useful purpose and would just add more clutter to the label, confusing consumers.

The Nonprescription Drug Manufacturers Association of Canada believes that Bill 143 can be improved and result in legislation responsive to the changing global business climate. Non-prescription drug manufacturers in Ontario must be given the opportunity to access larger markets and to compete on a global basis. We have some recommendations that we think will help achieve this goal.

Recommendation 1: The proposed packaging audits and work plans should be incorporated into the national packaging protocol.

The harmonization of regulations and establishment of a level playing field is critical. Ontario manufacturers can no longer afford to continually adapt to restrictive provincial regulations leaving them disadvantaged compared to competitors in other Canadian provinces and the United States.

If regulations are not harmonized, non-prescription drug manufacturers run the risk of having to deal with a number of separate provincial regulatory agendas. Our members are currently doing business in an environment of provincial disharmony in regard to product distribution, the costs of which are passed on to consumers. Let's not pass on more costs to consumers as a result of differing provincial packaging regulations.



Recommendation 2: Conduct a cost-benefit analysis of the office of waste management.

It must be clear to the public that the existence of such an office and program provides benefits which clearly outweigh the costs and which could not be obtained by any voluntary measures and that regulation is the only alternative.

Recommendation 3: Delete clause 136(6)(l), which states, "regulating or prohibiting the sale and use of disposable products and of products that pose waste management problems."

This proposal is not achievable without defined criteria and appeal mechanisms.

Recommendation 4: Delete clause 136(6)(f), which states, "requiring or authorizing the placement of a notice or mark on products, containers, packaging or labels on products, containers or packaging to indicate such matters of waste management or environmental concern as are specified in the regulation."

Labels of non-prescription drugs provide large amounts of information necessary for the safe use of a product. Unnecessary marks and notices will only serve to make the labels more difficult to comprehend, cause confusion and act to restrict packaging reduction initiatives.

Thank you for your attentiveness.

**The Chair:** Thank you very much for an excellent presentation. First, Ms Haeck.

**Ms Haeck:** I have the opportunity here to raise an issue that was brought to my attention by a neighbour of mine, an elderly gentleman, who while he is maybe not making use of all of your type of products is an emphysema sufferer and has been collecting pill containers for some time. His situation, the fact that he would like to get rid of them and no one will take them, is one that comes to my mind when I am using a headache pill. Obviously, I have to dispose of the container.

Europe, particularly Germany, has come up with the green dot system where in fact a manufacturer is required to take back the containers, be they paper or otherwise. Would you as an industry consider this a viable option?

**Mr White:** It is an option to take back the containers. However, they will still have to be disposed of. It is impossible at the present time to reuse materials for non-prescription drugs. The material that is in contact with a drug has to be virgin plastic or virgin carton.

**Ms Haeck:** Even if there is no other contamination?

**Mr White:** Even if there is no other contamination. The food and drug regulations say now that any product that is in contact with a drug has to be completely new material. It cannot be any reused material at all. The reasoning is that there could be leaching of some of the chemicals into the drug product, and that would obviously be unacceptable and there is no way to determine that this does not happen over a period of time. So while, yes, a consumer could return this and in fact the industry probably could take these containers back, they would still have to be disposed of in some way.

**Ms Haeck:** I see. Thank you very much.

**Mr McClelland:** I just throw out my thought that surely those products could be used elsewhere and for

some other products subsequently. It is just a thought that occurred to me that we should probably pursue.

I take it from what you are saying in terms of the national packaging protocol, and your industry is involved in that process, basically, if it's not broke, don't try to fix it. You are doing the job. You are on target. You may in fact in some cases be ahead of target, and what those regulations may do is throw some uncertainty into that and it puts you at a significant disadvantage.

Also, I might ask you if you might expand your concerns about clause 136(6)(l) inasmuch as it leaves an awful lot of power out there somewhere without any handles on it and the competitive disadvantage or uncertainty that may put your industry at.

**Mr White:** I agree with you on 136(6)(l). There are no criteria as to how a package will be determined to pose a waste management problem, and then there is no appeal mechanism either. If a decision is made by the minister that this product does pose some problem, no matter what it might be, then it can be removed, and there is no recourse for a manufacturer to say, "What is the problem and how can we work to remove that problem so it won't pose a waste management concern?" Without those criteria, it is just very vague and, as I stated, I do not think it can be included in rational legislation without specifics.

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**Mrs Mathysen:** Two quick questions. First, on pages 2 and 3 of your brief you said that you would be at a disadvantage because Ontario-based industry would be competing with offshore industries that did not have to comply. Did you know that the regulations will apply to goods sold in Ontario to ensure that Ontario manufacturers are not disadvantaged?

Second, you said that you had gone through that process of looking at your packaging. I was just wondering, what kinds of things did you discover you could eliminate safely once you were compelled to take that second look?

**Mr White:** On the first question, in terms of products sold in Ontario, the packaging audits and work plans will only apply to manufacturers based in Ontario, not products sold. Manufacturers based in Ontario will have to provide packaging audits and work plans on a yearly basis. This does not have anything to do with products sold.

**Mrs Mathysen:** But if something is overpackaged, it cannot be sold here.

**Mr White:** I think that is still questionable. The packaging audits and work plans do not talk about that.

Your second question was?

**Mrs Mathysen:** Once you did take a second look at your packaging, what kinds of things were you able to safely eliminate?

**Mr White:** Just to give an example, there can be some reductions obviously in package lightweighting, in removing of cartons, and that is occurring. The time to remove a carton from a medicated shampoo, for example, took over a year. The reason is that any time you change any packaging whatsoever, it has to be approved by the Health and Welfare Canada drugs director. Even if you remove a carton

it has to be approved, because you are removing labelling material.

We are also in a situation now where they are bringing out something called non-medicinal-ingredient labelling where all the inactive ingredients will have to be listed on a package. Some of these cartons in fact do not have the room for the inactive ingredients and will have to go to package inserts. If there is a bottle that is presently on the shelf without a carton and the information cannot be put on it, a package insert will have to be put with the product. A package insert is considered to be an extension of the label. That will require a carton, because the package insert cannot be attached to the product.

One other one I can give you an example of that is going to hurt very much is medicated lip balms, which now you can buy, for example, at a pharmacy. They come in a little bowl. The non-medicinal ingredients have to be put on that product. It cannot be put on the product; it does not fit, so this medicated lip balm will have to be attached to cards. You will see that within two years.

So in fact we are getting an increase in packaging. The increase in packaging we are seeing is directly related to the Food and Drugs Act and the health and safety of Canadians. We do have limits on how much packaging can be reduced because consumers are wanting more and more information on what they are taking, and that is reasonable, but to provide that information, you have to put it somewhere.

**The Chair:** Mr Daigeler, you have the floor.

**Mr Daigeler:** I will make it very quick. Can you tell me what is the status of the national packaging protocol?

**Mr White:** The status of the national packaging protocol now is that recently it conducted a survey of industries, approximately 10,000 across Canada. Those data are currently being collated, and they will be compared to the 1988 baseline data. They have a document out called Benchmark Numbers or Benchmark Estimates of Packaging Used in Canada for 1988. The 1991 data will be compared to this, and then right after December 31, 1992, which is the first milestone target where they want to see a 20% reduction, they will also send out another survey, so that will be done in the spring of 1993. In the spring they will be able to see whether industry has achieved its target of reducing packaging by at least 20%.

**Mr Lessard:** I understand your concern with respect to different standards in different jurisdictions, but there is also the concern that whatever standard is adopted is not the lowest possible one that is currently available.

I wonder if we could have some clarification from ministry personnel with respect to the relationship between the national packaging protocol and the initiatives that are set out in Bill 143, because this is a point that has been raised on other occasions.

**Mr O'Connor:** I will probably have Alex Giffen from the ministry answer that. Alex can probably answer that for you.

**Mr Giffen:** There will be no intention to compromise public health and safety with the packaging requirements the province would develop. We would have every inten-

tion of being consistent with whatever federal food and drug requirements are imposed on the manufacturers and suppliers. That is something we will have to continue to work on with the federal government and producers to ensure that we are not compromising public safety.

**The Chair:** Thank you very much for an excellent, thought-provoking presentation. We appreciate your taking the time this morning to come and make a presentation before the committee. If there is additional information you have at any other time or any comments you hear as you monitor the course of the hearings that you would like to share additional information with us on, please feel free to communicate with us in writing.

T. G. BARTON

**The Chair:** I would like to call next T. G. Barton, consultant. We have received a copy of your presentation. Please have a seat and introduce yourself. You have a total of 20 minutes for your presentation. We would ask if you would leave a few minutes for questions at the other end. Please begin now.

**Dr Barton:** My name is Dr Tom Barton. I am a professor at the Royal Military College of Canada here in Kingston. I have been associated with the college since about 1963 and am presently on leave without pay from the college because of medical reasons. I just want to take the opportunity today to comment on Bill 143.

Bill 143 represents regressive legislation which shows political prejudice to the scientific assessment of waste management systems. At the outset, it promotes the use of landfills as a preferred disposal technology, rather than energy recovery systems or incineration. This situation cannot be supported from an environmental and scientific perspective. The prejudice is exemplified in the news release of April 11, 1991, in which "Environment Minister Ruth Grier Bans All Future Municipal Solid Waste Incinerators in Ontario." The basis given for the ban reflects unsubstantiated rhetoric that has attached a stigma to incineration and that represents a total lack of scientific thinking on the matter of waste management.

Why is it so important in this legislation to neglect the verifiable performance of incinerators? In his speech on January 21, the Honourable Bob Rae stated that the Ontario population must be tired of hearing half-truths. This situation is not corrected if half-truths are used as the basis for pre-emptive legislation such as Bill 143. This legislation treats scientific matters as though they can be resolved by argument rather than with verifiable and accurate data. There have been lobby groups preaching the evils of incineration to the point that the technological benefits of such systems lose recognition within Bill 143. This approach to scientific honesty is deplorable and destroys any confidence in the future application of scientific approach in the development of future waste treatment systems. If it is politically expedient to simply ban a maligned product, what will be the next industrial, commercial or agricultural sector to be attacked?

There have been many similar politically expedient episodes in recent history in which the innocent have paid as a result of argued rather than scientifically supported



situations. For example, we have all heard that there is a hole in the ozone layer caused by CFCs. The fact of the matter is that the hole was discovered prior to the commercial development of CFCs. That being the case, the argument was changed to "CFCs contribute to the increased size of the hole." In fact, the National Oceanic and Atmospheric Administration shows that in the upper atmosphere, there are approximately 60,000 ozone molecules produced for every one destroyed by the chlorine molecule from CFCs. The quantity of ozone in the upper atmosphere is mostly influenced by solar activity and solar flares.

Following the signing of the Montreal convention in 1986 to limit CFCs, it was forecast that the hole would continue to increase in size in future years. It is ironic that there was no evidence of thinning in 1987 and that the hole did not even appear in 1988, according to an Environment Canada Atmospheric Services fact sheet. The year of 1988 was one of intense solar flare activity, which contributed to the maintenance of the ozone layer in spite of man's feeble initiatives to impact on the hypothetical problem.

Is more ultraviolet radiation reaching the earth as a result of the end-is-near ozone prophesy? A network of instruments set up in 1974 to measure the ultraviolet light reaching the earth has shown a constant reduction of between 0.5% and 1.5% annually. If the belief in the doomsday attitude were correct, the amount of ultraviolet should be increasing rather than decreasing. I am sure that much of this news will be greeted by the proponents of fear as a coverup.

With regard to chlorine in the atmosphere, Mount St Augustine in Alaska spewed into the atmosphere approximately 289 million tonnes of hydrochloric acid, or 570 times the total 1975 annual production of chlorine and fluorocarbon products in the world. Nevertheless, we have entered into a replacement program at a cost of over \$100 billion to replace CFCs in North America as if that would cure the problem, if a problem exists at all. Sober scientific thought will show the ineptness of our activities on this matter.

How about acid rain and the call to shut down combustion processes, as they are touted as being a primary cause? Sweden in 1848 and then England in 1872 first reported on acid rain. The original data by Likens which were used to prove that acidity was increasing have been discredited by Vaclav Smil. Clean rainwater has a pH of 5.0 to 5.5, which compares well to the pH of a carrot at 5.0 and spinach at 5.4. A cola drink has a pH of about 2.2.

Is this acidity in the rainwater the result of man-made combustion systems such as incinerators and coal-fired power plants, which have been blamed for much of the reported problem? It is interesting, from ice pack analyses, that in the Himalayas the precipitation over hundreds of thousands of years had a pH value ranging from 4.2 to 4.8. In addition, 7,000-year-old Greenland ice pack samples showed pH values in the 4.4 range, with periods of high acidity lasting for years. Coal-burning utilities and incinerators spewing out sulphur dioxide and carbon dioxide could not be seen as the culprits either then or now. It seems too convenient to blame these systems today.

Much has been written to show the influence of natural sources on acid rain. It is estimated that lightning alone creates enough nitric acid in the atmosphere to keep rainwater at a pH of approximately 5.0. Once it was believed that stack emissions of SO<sub>2</sub> and CO<sub>2</sub> were the primary culprits in the death of forests. While this belief cost millions of dollars in reducing emissions, the emphasis on the pursuit of culprits has now been shifted to oxides of nitrogen, hydrocarbons, photo-oxidants and soil minerals such as aluminum and magnesium.

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To date, the costs of reducing SO<sub>2</sub> are greater than \$2.5 billion, yet the acid rain problem persists regardless of the intervention of man. Volcanoes alone are responsible for an estimated 100 million tonnes of sulphur compounds annually, a contribution much greater than that from anthropogenic sources, yet we continue to leave a legislated trail of banned activities which from a political standpoint is intended to ameliorate the situation. The result is to tie the hands of industry and to limit our ability to compete in a free world.

Consider the impact of the wrongful banning of DDT on human life. Politics approached the problem by substituting passion for science and reason. In the First World War, more soldiers died from typhus, a situation correctable by DDT, than from bullets. Prior to the introduction of DDT, approximately 200 million people were stricken annually with malaria, of which two million died. In Sri Lanka prior to DDT spraying in 1948, there were 2.8 million cases of malaria. By 1963 there were 17. Spraying stopped in 1960 due to public pressure, and the number of cases rose to 2.5 million in 1969. In the six years that followed the ban on DDT, there were 800 million cases of malaria and 8.2 million deaths.

With all the benefits to mankind, why was DDT banned? Most of you will be aware of the classic rhetoric. DDT was found in the environment at low concentrations and blamed for everything from eggshell thinning to the reduction and fear of annihilation of species. In the case of eggshell thinning, this phenomenon predated the use of DDT and is now attributed to diets low in calcium or vitamin D, fright, high nocturnal temperatures, various toxic substances and disease such as Newcastle's disease.

Quail fed throughout their reproductive period at 6,000 times more DDT than the 0.3 parts per million found in their body fat managed to hatch about 80% of their eggs, with a control group hatching 84%. Similar testing on pheasants showed even better results. The Audubon Society reported increases in bird populations from 1941 to 1971, when DDT spraying was at its peak, of from one to two orders of magnitude. So where was all the substantiation for simply banning DDT?

Human studies in which volunteers were fed over 500 times the estimated daily intake of DDT from normal sources for a period of 21 to 27 months showed no ill effects either then or now, some 30 years later. It has been shown not to be a carcinogen. It has a life expectancy in sea water of approximately 38 days. Nevertheless, passion ruled the day and another Nobel prize-winning contribution from science had been banned. The ban was imposed

regardless of the 300 documents and the testimony of 150 scientists which stated that the total ban on DDT was not desirable, based on the scientific evidence. The technique of making unsubstantiated charges, endlessly repeated, has been used successfully in the political arena against asbestos, PCBs, dioxins, Alar, nuclear power, incineration, fossil-fuel plants and so on.

Those who believe the world's population can exist without the help of science and technology are pathetically mistaken. In the last 40 years, crop yields per acre have more than doubled. The use of pesticides and fertilizers has prevented crop failures and increased productivity. Ignorant opponents of all man's efforts to improve life continue to insist that extremely low levels of industrial chemicals can be toxic or carcinogenic and everything synthetic is somehow uniquely dangerous to man. This is totally false, for it is the dose that determines toxicity.

As an example, arsenic, cadmium and chromium are all officially identified as carcinogens, yet they are naturally present in every cell in the human body. As for arsenic, we normally have about 100,000 molecules per body cell. Cadmium represents about two million molecules per body cell and chromium about 700,000 per body cell. To dwell on scare tactics which demand zero discharge of such elements is nonsensical at best, yet fearmongering persists.

To refrain from ingesting these naturally occurring substances, one would have to avoid eating carrots, radishes, onions, olives, melons, ham, shrimp, potatoes, parsley, butter rolls, broccoli, watercress, avocado, lemons, cheese, bananas, apples, oranges, tea, milk, wine, and the list continues. These elements occur in the products independent of any anthropogenic pollution.

In order to avoid nitrates, nitrites and nitrosamines in food, you would eliminate virtually all vegetables from your diet, especially beets, celery, lettuce, radishes, rhubarb, mustard kale, turnip, cabbage—and the list continues. In addition, if these foods were required to undergo the same screening used for synthetic chemicals, they would all be banned. The bottom line is, "If it isn't broken, don't fix it."

What justification is there for Bill 143 not to consider incineration as a waste treatment system? Three points were listed in the April 11 declaration. The first point stated that incineration is inconsistent with the surviving 3Rs due to its gluttonous appetite for waste. This is totally false. While there is an economy of scale in incineration systems, they can be built on any scale to handle that portion of waste remaining following diversion efforts. It can be shown both practically and analytically that post-recycled waste provides better fuel for incineration than raw refuse. Fuel values increase dramatically and ash values similarly diminish, so where is the inconsistency in having incineration as a component of a waste management program? If nothing else, the quantity of ash remaining for disposal will greatly enhance the life of an existing landfill.

At this point I would like to apologize because I understood there was going to be an overhead transparency projector here and I did not bring one myself. At the end of your text there is a series of 10 slides which I will be referring to. You can just flip through as we go.

Please allow me to illustrate this point further. In slide 1, I have set a diversion goal, looking at the diversion through normal types of recycling practices. Just setting goals for paper, plastic, wood, textiles and so on, if you really do it right you may get as much as 60% plus of waste diverted, leaving some 30% to 40% of waste to yet be treated. This can be done with new legislation, new markets for the product and so on.

The second slide, the residual material following diversion, shows you the benefits in fuel value for that residual. The total end product is superior in terms of its fuel value. The residual material following diversion has a higher percentage of paper, plastic, wood, rubber and textile, all offering improved fuel potential. The improved fuel benefits are shown in slide 3. Similarly, there are lower percentages of wet yard- and food-waste components, as well as a smaller contribution of metal and glass components, which add to the ash quantity produced. In terms of the landfill requirement, the weight percentage of waste getting to the landfill is less than 7% of the raw municipal solid waste, thus greatly increasing the life of the landfill. This significantly smaller mass of material, as shown in slide 4, makes landfill containment, management and monitoring a much simpler and cheaper task.

The second point raised in the ban declaration states that the combustion of municipal solid waste during incineration releases a wide range of air pollutants including dioxins, furans, volatile organic compounds, oxides of nitrogen, carbon dioxide and heavy metals such as mercury, lead and cadmium. How do these releases differ from those of a landfill treating the same waste? Biodegradation of such wastes with a release of the landfill gas and leachate has a significantly greater impact on the natural environment.

The conclusion of a 1987 study on toxic substances emitted by MSW landfills stated, "The total amount of carcinogenic substances emitted into the air from a landfill even under controlled conditions"—conditions where the landfill gas is collected to the degree possible and burned—"represents a significant amount and 'may' exceed that which is projected to be emitted from a waste to energy facility processing an equal amount of municipal solid waste."

There are ministry guidelines which apply to the air emissions of an incinerator. Modern systems are proven to be able to comply with the most stringent guidelines and can be readily monitored. Landfills enjoy a freedom from such gaseous-emission monitoring. It is interesting to note that uncontrolled landfills emit far more carcinogens per unit of waste than incinerators treating the same waste, as illustrated in slide 5.

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The third point states that dioxins and furans pose a significant threat to human health. They have been linked to a number of health problems in test animals, including the weakening of the reproductive and immune systems, skin irritation, liver damage and cancer. Here again, the rhetoric persists. Dioxins are produced in the natural environment as a result of forest fires and volcanoes. Just how toxic are dioxins? Animal studies have not resolved the issue. It requires a dose of 5,000 times the hamster dose to



create the same symptoms in a guinea pig. There is no evidence that dioxins have caused cancer, spontaneous abortion or birth defects. The 37,000 inhabitants of Sevesto, Italy, who were dusted with one to four pounds of dioxin in 1976 showed no long-term adverse effects and no cancer. A 30-year study on Monsanto workers exposed in 1949 to high levels of dioxin showed no long-term effects. How then have we perpetuated the fear that dioxin "is the most toxic chemical known to man," even though no deaths or serious harm can be attributed to it? It was the belief in this repeated fear, into which even I had been drawn, that led to the hysteria of Love Canal and Times Beach.

While I could go on now with many additional political miscarriages of science which took place in the name of environmental justice, I believe I have made my point. History has a way of revealing our mistakes of the past, particularly when episodes have been triggered by reactionary stupidity rather than careful deliberation based on verifiable, peer-reviewed, scientific evidence.

We are to celebrate 125 years of Canada this year. We cannot live on earth without altering it and without using natural resources. We have the ability to learn from our mistakes and we are capable of making improvements and becoming better stewards of the environment. We should pursue knowledge and understanding rather than create obstructive legislation which is not without prejudice in the agenda for waste management. Incineration must be considered as an option in the development of any waste management system, and its application should not be omitted in the contents of Bill 143. To simply ban incineration without substantive, scientific evidence is arrogant and scientifically repressive, especially where landfill is the proposed alternative.

With regard to global warming, it is interesting to note from slide 6 that the Vostok ice core in the Antarctic shows levels of carbon dioxide in the atmosphere 130,000 years ago to be greater than the current levels today. It is also interesting that there has been a progressive increase in the concentration of carbon dioxide of almost 40% in the past 20,000 years. The dynamics of such change must be appreciated with consideration to geological time, whereas we are attempting to react and resolve such cyclic issues during periods of terms in office. The influence of man on these changes has been infinitesimal, both in the past and today. Remember that oxygen is a relatively new gas in the earth's atmosphere geologically speaking. I am pleased that when oxygen was first observed, the single-cell politicians of that day were unable to implement a ban on its production. Had the reverse been the case, this meeting today would not have taken place.

What is the motivation behind the scaremongering associated with global warming? I believe that crisis news sells better than good news and provides the general population with a common thread of unity. Whether or not the cause is honest is incidental. It is interesting that the federal government has just directed a further \$85 million to study global warming. These funds would be better spent on breast cancer research, for it is a major killer and a situation that research funding of that magnitude can influence.

The impact of the expenditure of these funds on global warming will be piddling.

By way of review of the illustrative example used in this presentation for the disposal of the 37% of the waste following the fulfilment of diversion initiatives, slide 7 shows the operation of an uncontrolled landfill. In theory, controlling the landfill gas emissions over the extended area of the landfill does mitigate somewhat the pollution potential, as shown in slide 8. The problem is that the landfill emissions occur over hundreds of years and cannot be shut down should problems arise. Applying some gasification technology in vessel as shown in slide 9 allows for total control and monitoring of the production of gas from that residual waste. The process can be shut down in a matter of hours should problems arise. Combining all the technology benefits for disposal of the remaining 37% in a totally monitored, modern incineration technology is shown in slide 10.

In summary, I encourage the government to avoid acting precipitously on expensive bans for unproven environmental problems. Action must not be taken in advance of understanding the problem. Insist on the facts and accountability of the source of those facts. Without any help from mankind, history and geology show that the earth has encountered dramatic change. It has never been stable or remained the same for long. It is time to regain a sense of perspective and deal with the facts instead of letting our ardour carry us to the realm of noble lies. The effort of the physicians of Orillia to cancel the progress of a waste incineration program for that area met with success, a testimony to the process that the end justifies the means. Peer review by CanTox of the physicians' report, Hazards of Incineration, concluded, "Overall, the physicians' report appears to contribute more 'heat than light' to the discussion of a possible siting and operation of a municipal solid waste incinerator in Orillia, Ontario, and cannot be considered a valid scientific assessment of the situation."

History shows that our life expectancy is on the increase, so is the sky really falling? Life expectancy at the turn of the century was 45 years. By 1940, it had risen to 65 and further, to 76 years, by 1982. It is anticipated to rise to 82 by the turn of the century. All of this has occurred during the greatest development and application of technology in recorded history.

Let the study and potential application of incineration be supported with Bill 143 and have the opponents held as accountable as the proponents for peer-reviewed, scientific evidence which leads to either the rejection or acceptance of a technology which is regaining favour throughout much of the modern world.

**The Vice-Chair:** Thank you very much for a very thoughtful and well-researched presentation. Unfortunately, you have taken up all your time, so I would just like to thank you for this controversial brief. I know the members would like to pose some questions, but unfortunately, due to the constraints of time, we cannot allow any extension. If the members have any questions, they can talk with the delegate outside and maybe clear up some of their questions.

## ENVIRONMENT WATCH PRODUCTS INC

**The Vice-Chair:** I would ask the next delegation, Environment Watch Products Inc, to come forward, please. I understand Linda Lynch is responsible for the goodies we have at the back of the room, the brownies and the cookies, so we thank you for that. There is the little room at the back beside the coffee pot, and anybody who has not tasted them should avail himself of them. They will go like hotcakes.

Would you please identify yourself for the purposes of Hansard. You have 20 minutes, and we would appreciate it if you would leave some time at the end for the members of the committee to ask questions.

**Ms Lynch:** I would like to thank you for the opportunity of being here today. First of all, let me tell you, for the record, that without malice or erroneous intent, the previous speaker's content has infuriated me to the point that I am coming off my formal presentation. I am going to ask the committee to please read my presentation, very important parts that have to do with my product and some problems that have arisen in the past when government gets involved in the private sector. That will be submitted to you in written form for you to review next week.

One other comment, in terms of the goodies: I was not trying to find my way to the committee's heart through its stomach. What I am trying to do is show you that government procurement policy could stimulate small business. For example, instead of purchasing those kinds of things wrapped in cellophane and so on, if I can bring them in a tin from Toronto by train, then you can make a call to a local bake shop in Kingston and have it brought over in bulk or do that at Queen's Park or wherever government is carrying on its negotiations.

I would like to just introduce Environment Watch Products Inc by way of its corporate mission statement:

"Market-driven environmentalism shall be the underlying principle behind all of our corporate initiatives. The dynamic of sustainable development will be rigorously adhered to, reflecting our belief that business for a better environment will mean a better environment for business."

I will make one reference to the fact that many of you know me as the activist who led the fight to close the Commissioner Street incinerator, who personally and successfully lobbied the former Liberal cabinet to designate the first company to go through a full environmental assessment. That was the TSI Trintek incinerator proposal, and you may remember me as a cofounder of Citizens for a Safe Environment.

I am going to appeal to you as a government not to set a dangerous precedent with regard to the Keele Valley and Britannia Road landfill sites. If you were to have no hearings, no due process, to set that legal precedent, then in a few years' time when there is a garbage crisis upon us and there is another government and an incinerator company is standing by, pointing to the legal precedent and saying, "There's a garbage crisis," neither I nor anyone else would have any justifiable due-process way to stop it. I think you have an opportunity to use a mechanically collapsed environmental assessment process here. I think you could do things like bring in additional staff. I think you could have

the board meet four extra hours a day, six days a week, and I think there may be a way, given the slowdown at landfill, for you to have an opportunity to study the environmental assessment process and go through due process so you do not open the door down the road.

With respect to section 28 of the bill, section 74 of the act, regarding litter, packaging, containers and disposable products, we agree with a lot of this legislation. We think it would level the playing field. We are the new, emerging green industry. We are elbowing our way on to the shelves of the economy in educational products and consumer products. We cannot fight if the playing field is not level.

I want to talk to you about the fact that we wholeheartedly support this incineration ban. I recall scrambling to find a few hundred dollars to pay for Dr Connett's airfare when I initiated his first visit here to help our incinerator battles back in 1987. I was filled with admiration and empathy as I watched many residents' groups and activists present health and conservation arguments against incineration. But I am worried. I do not feel banning incineration via legislation permanently closes the door on the technology. I think you have to do it, but that is not going to be the way to put an end to it. Legislation can be changed and governments can come and go.

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As you have just seen, the dogged persistence of this industrial lobby has to be grudgingly admired. I am continually hearing a line from a movie that haunts me. It keeps saying, "They're back." Two years ago, after I totally exhausted myself fighting them from coast to coast at the grass-roots level, at the municipal level, at the provincial cabinet level, on televised debates, on radio, in print, arguing interminably about data interpretations and never getting definitive, conclusive evidentiary support which they could not challenge in some bizarre form of comparative risk analysis, I said to myself: "Enough of this. There has to be a better way of winning, not just once but for ever."

I decided we could put an end to them if we could beat them to the garbage stream. Take away the feedstock and the monster dies. Declare marketing warfare. Unleash a private sector attack that will use every fabric of the economy to weave a competitive web that will leave them helpless and unable to survive.

Step one for me was to form Environment Watch Inc. You saw me last week presenting a new industrial initiative, a multimaterial recycling facility. Its capability is 800 tonnes a day. That is the usual capability of incinerator technology. More about that type of initiative later.

The next step for me, besides forming the corporate consulting firm, which would have a main focus in the advancement of industrial initiatives that address the 3Rs of waste management, was Environment Watch Products Inc. When you get down to it, this little product has won awards. It is being sold at the Bay, Collacutt, Toys-R-Us. It is all reusable. It is the most environmentally friendly thing we could come up with and it turns on the phrase "Choose to reuse."

This is what I got on the train this morning. This is what the incinerator companies want to have continue in the waste stream. This is the part of the waste stream that



people say you cannot do anything about. This type of product, in a slightly different configuration, can totally eliminate this part of the waste stream, which I agree I do not think we can recycle and recover in a cost-effective way.

I want an opportunity to realize my investments. The incinerator company competes with me. If you do not let me in to play at the economic table of private sector competition in the marketplace, the incinerator company steals my opportunity for growth. It takes away my reason for doing this. It takes away the educational component. Why should kids go to the bother of having a garbageless lunch at school or why should people bother not to produce garbage on a train if there is an incinerator that is going to take a Rambo approach to garbage sitting there? You have to keep feeding it all the time.

Let's talk about that in terms of economics. First of all, I want to blow something right out of the water. When we talk about reduction of the total amount of garbage and they tell you there is an 80% reduction, that is true if it is refuse-derived fuel. That is state of the art which you can get, but they do not tell you that you have to add 10% water to all the ash to transport it. So you are going to be looking at 30% to 40% coming back out, not 20%.

This information, by the way—I would give my source to the committee in camera confidentiality—comes from a senior vice-president of waste management at a multinational waste management company who handles incinerator technologies and thinks composting now is the technology of the 1980s and 1990s; incineration was the technology of the 1970s.

I want to talk for a minute about the fact that when you look at an incineration cost-benefit analysis—and all this information is going to be before the committee in a very well documented form next week—if you look at an incinerator, a large municipal composting facility and a multi-material recycling facility for construction and demolition or industrial, commercial and institutional waste, at a daily input of 800 tonnes per day and a required tip fee of \$55 to \$70, they all have that in common.

Let's look at the capital costs for a municipality. Who can afford \$120 million to \$160 million for an incinerator? A composting facility is \$40 million to \$50 million. A multimaterial recycling facility such as the one I presented to you last week is \$10 million to \$15 million. Now let's look at the jobs: 35 to 45 with an incinerator; 15 to 25 with a composting facility; 60 to 70 with an MRF. So if you have a compost facility and an MRF at the front of it, you can then be looking at probably 125 to handle 90% of the garbage stream. Look at volume reduction: an incinerator—it says 80, but it is really only 70, maybe 65; volume reduction with composting, with a sort at the front, 40 to 50. Now take a look at an MRF: 70 to 80.

At the very end of it, what do you get? In incineration, you have 22% of the ash as a hazardous waste material that has to be landfilled at \$300 a tonne. Composting and MRFs have wood, which is new particle board, which is new industry, which is new manufacturing jobs, retail jobs, transportation jobs. Take a look at economic growth requirements: No economic growth with an incinerator; all

kinds of opportunity with MRFs and compost. We need new industry, new technology to export, and we have new businesses like me that want to get on to the shelves. Do not let these guys take the garbage away from me. I need it to grow.

**Mr Wiseman:** That is a really spirited defence. I am just going to play devil's advocate for a moment, because I have been using one of these since 1988. I got it at a conference where educators came together in Durham region. We spent the whole weekend carrying around mugs instead of styrofoam cups and really getting into it. It is growing in the schools; it really is. I think there were 105 of us just from the Durham Board of Education alone and then last year another 100 or so. You know where I am coming from when I say this, but is it not nice to be able to read a document such as this and know that there are no problems?

**Ms Lynch:** I think I will be able to present a document to the committee, which you will have next week, which will show there is nothing but economic opportunities to eliminate incineration from the waste management scenario. Just as they can play with figures and make it look so wonderful, I can play with figures and make it look so promising without them.

**Mr Wiseman:** My other question has to do with the fact that NASA, the National Aeronautics and Space Administration, has discovered that the ozone layer above North America is being depleted. This space agency of noted scientists attributes this to the leakage of chlorofluorocarbons out of refrigerators, but they have also found that the cleaning agents for the computer boards which the military uses have chlorofluorocarbons. In fact, the American military contributes 75% of the chlorofluorocarbons. The American military has even admitted it is responsible for the depletion of the ozone layer. I wonder if you might comment on that in light of the fact that the previous presenter was saying incineration is good. Also, even if it is good, even if everything they said about it is accurate, I would like you to comment on why we would burn up our natural resources when the population of the world is going to double within the next 20 years.

**Ms Lynch:** First of all, I like to look at the air shed like a retail shelf in a store. For example, if I have room on that shelf for four shampoo bottles, and if in my air shed, before it becomes overloaded with contaminants or before the ozone is more adversely affected with contaminants, we are already at a base-loading maximum, which we know we are—that is why we are all cutting back with international protocols—then there is not any more room on the shelf. We cannot manufacture a bigger atmosphere. So, sorry folks, there is not any more room for you in the air shed. It is just like a tough-nosed retailer. It does not matter how good this shampoo is, there is no more room for its physical presence on the shelf. There just simply is not space.

Is it fair to a company like Inco, is it fair to some of the other heavy industrial manufacturers, to say to them, "You have to spend \$200 million in retrofitting your technology to cut back, to meet emission standards on CO<sub>2</sub> and all the rest of it," and allow these guys in at the expense of the

other industries? It is not fair. I suspect that quite an interesting lobby of other industrialists could be put together that would say: "Wait a minute. How come we have to cut back to make room for them when you've got an alternative that you could use?" No.

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**Mr McClelland:** Thank you. With some reluctance I want to try to bring you back to the first part of your presentation and ask if you would expand upon the danger you see in terms of the precedent-setting elements of Bill 143, which essentially, in terms of the implementation of the minister's policy, removed the opportunity for public participation in the expansion of Britannia and Keele Valley; also, part and parcel of that, the provisions of the bill that say, "We're sorry, but the following acts," and you are well aware of them, "are to be overridden." It goes on further to say, "Even if we find something else down the road, we will move that out of the way by regulation."

In fact, in spite of stating that those pieces of legislation are impediments, many would consider them tools and elements of protection for the environmental integrity of our society and indeed the part of the world that we inhabit. I know that was useful for you in shutting down the incinerator that you were active against, and that scheme of legislation, I feel, is very much in jeopardy as a result of Bill 143. I wonder if you just might want to expand on that.

**Ms Lynch:** I have to agree with you in terms of removing citizen access to the levers of government. As an environmental activist who helped lead the community—it was not just me, it was thousands of people; 12,000 people's names on a petition—we would never have had the nerve to approach a level of provincial government. We came from our communities, then we sort of learned about the municipality and then there was this big thing called the provincial government in front of us. Then there was this all-powerful being called the cabinet.

If there was not a piece of legislation, if there was not something ironclad that the incinerator companies could not fight back with us on, which was the environmental assessment process and the natural extension to pick up where the Tories had left off and apply it to the private sector and get that precedent set, I am terrified what could happen. I know why you are doing it, and I am just saying I think there is another way to save the process and never make an exception that loses the process; that says, "Look, there's always access to power, to the government levers, through this due process."

I come from south Riverdale, and you know the heartaches of that community with the lead contamination. We are battling constantly. It is one company after another. If you did not have a light at the end of the tunnel that the due process allows you, you would not even be able to begin to fight, because you would have no pathway. Traditionally, this government is identified with that kind of grass-roots activism, so you might be tainted a bit in the way you are looking at things, because you are a government sympathetic to these types of things. But what if it is a new generation, a new dimension of government, a dif-

ferent party, a whole new scene in a few years' time? Do you think this industrial lobby is going to go away? No, it is not. If you take away our tools with a precedent, how are you ever going to be able to hold that up as an ironclad block to this type of initiative again?

I do not want to sound too emotional here, but you have to find a way to keep that environmental assessment process intact. I think you have enough time. I am just terrified that to set a precedent that would take it away kills it for ever, because then there is always a reason to take it away after that and it would not matter how hard I tried or my community tried or another community tried, they would beat us with a fancy lawyer and an army full of legislative specialists. We would be dead in the water and we would not even be able to go to the Supreme Court to fight. At least now we can say: "Damn it, you didn't have an environmental assessment. We want an injunction against this project."

You are going against all the traditions of Ontario's legislation. Please try to find a way to keep this legislation in place so that you do not take the light away from the end of the tunnel, from the citizens in the future, because I do not know how I would fight if that were gone.

**The Chair:** Thank you very much for your presentation. We appreciate your coming before us today.

#### PORT GRANBY NEWCASTLE ENVIRONMENT COMMITTEE

**The Chair:** I would like to call next the Port Granby Newcastle Environment Committee. Please come forward and introduce yourself to the committee. You have 20 minutes for your presentation. Please begin by introducing yourself. If you would, leave a few minutes at the end for questions from committee members.

**Ms Boothman:** My name is Wendy Boothman. Madam Chairman and members, thank you for this opportunity to present some concerns of the Port Granby Newcastle Environment Committee in regard to Bill 143.

Directly, our committee represents hundreds of residents in the Durham community of Newcastle, an area of this province that is operating landfill sites, toxic waste storage sites and a nuclear energy plant, among other environmental dangers. Indirectly, we represent many more concerned citizens, a result of our committee liaising constantly with other environmental groups, such as the No Ganaraska Dump Committee, Save the Ganaraska Again, the STORM Coalition and the Ontario Environment Network, just to name a few.

The Port Granby Newcastle Environment Committee has been around since 1976, evolving through a series of amalgamations with smaller grass-roots organizations dealing with waste issues of all kinds, from nuclear through toxic waste in the Great Lakes to dumps.

I have four concerns and questions.

One, concerning section 34, which is a fairly broad section, are initiatives papers part of that section? What falls under section 34? I have a specific question regarding initiatives papers. Are there any data available from the Interim Waste Authority on the costs of implementing the



guidelines of initiatives papers to small and medium-sized businesses and the institutional sector? Who pays?

Since the Liberal government introduced reducing waste 25% by 1992 and 50% by the year 2000, which was subsequently endorsed by the NDP, I understand that at least 60% of our waste is from the industrial, commercial and institutional sector. Currently it costs businesses standard tippage fees to dispose of their waste, while they could save money by radically reducing their waste. But how to reduce? What is the infrastructure? Where do they go to learn how to radically reduce and divert waste in their specific business environment? Who finances this instructional process and how are the businesses compensated for time off for their staff for instruction?

Two, the Oak Ridges moraine must be considered a primary constraint area. In reference to the approach and criteria for landfill search, we are extremely concerned that the Oak Ridges moraine is not listed as a primary constraint area. The significance of the moraine has been recognized by both the previous and present governments of Ontario and by a private member's bill in the House of Commons.

The Kanter report of 1990 resulted in an announcement of an expression of provincial interest in the moraine as well as a two-year study of the moraine with guidelines for its protection during that time. Also in 1990, David Crombie released the interim report of the Royal Commission on the Future of the Toronto Waterfront, Watershed, in which he gave great emphasis to protection of the moraine in order that the waters downstream and into the harbour not be contaminated. Both Premier Bob Rae and the Honourable Ruth Grier were present at the release of this report and indicated their full support.

Subsequently, in June 1991, the implementation guidelines and the two-year study were initiated by the Ministry of the Environment, the Ministry of Municipal Affairs and the Ministry of Natural Resources. With all the interest and concerns addressed in both the Kanter and Crombie reports and the recognized environmental sensitivity of the moraine, why is the Oak Ridges moraine not considered a primary constraint area in the search for a dump site?

Three, concerning the Interim Waste Authority Ltd, part I, section 4 of Bill 143 does not address the difficulties that result after the publication of candidate site lists and the hardships that ensue during the interval until the final site is selected and approved. Recently, our community has felt the negative impact resulting from the site selection process for Durham region. Farmers who normally borrowed to finance spring seeding were turned down. They could not readily mortgage, sell or build once the long list of proposed candidate sites had been published. Home owners who had been planning to sell for various reasons unrelated to the site search suddenly found their properties depreciated, and in many cases these properties could not be sold at any realistic price.

I am aware of two specific situations in our area where the "slander of title" resulting from the site search has so negatively impacted on their lives that they may lose their homes. It is crucial that the consideration of hardship in the legislation must be extended to include hardships created by

the initial and ongoing aspects of the selection process. What format of compensation is being addressed regarding possible slander of title?

**1200**

Four, what happened to the environmental bill of rights? The environmental bill of rights has been discussed for approximately 20 years. As Environment critic, Ruth Grier introduced no less than three private member's bills proposing an environmental bill of rights to the Liberal government. One presumes she is committed to the concept. But once armed with Bill 143, such a powerful legislative weapon, the provincial government can tailor the site selection criteria in ways to facilitate a hasty decision that will be devoid of public input, input that the minister assured would be sought and considered.

The Port Granby Newcastle Environment Committee has had many years of experience with the environmental assessment game. To permit Bill 143 to pass unchanged and as it stands today will change the rules of the game, to further detriment of the opponents. The playing field will not only be uneven; it will be completely tilted towards the opponents' end of the field. Why is she not levelling the playing field by bullying through her environmental bill of rights, instead of widening the gap against human health, social rights and the environment by bullying through Bill 143? To quote a Toronto lawyer, Mr Ian Blue, "The bill is legislation of a type citizens should only be asked to accept in wartime."

**Mr Jackson:** Thank you for a very good presentation. I particularly appreciate your reference to slander of title, which no government seems to be able to get a handle on, how to protect people who are innocent by standards to this process.

My question is for staff, actually, and has to do with the questions raised by the deputant regarding costs and what falls under section 34. Has that been previously answered or could we anticipate a clearer answer and communicate that to the deputant?

**Mr O'Connor:** I am glad you asked that question, because I suppose our deputant today has not seen the answer. It was asked, I believe, on January 22. We got a subsequent economic analysis by the ministry on that answer. It has been provided to the regular members of the committee in a list of answers that we did receive. It has been answered.

**Mr Jackson:** Can we get that to the deputant? That is my question.

**The Chair:** Do you have a copy of that answer here?

**Mr O'Connor:** We can probably make a copy available.

**The Chair:** Could I just suggest that you give it to the deputant or perhaps read it into the record?

**Mr Jackson:** I would rather just hand it to the deputant.

**Mr McClelland:** Thank you for being here this morning. You heard the last question I put to the previous deputant, I am sure. She very ably, much more ably than I, from personal experience raised the danger that I see in Bill 143 in terms of involvement of citizens and the rights that have

been protected. I think your quote, which you rightly attribute to Mr Ian Blue, more or less says it all.

I asked the minister the question that was contained in your second-last paragraph: "Where is the environmental bill of rights? Why haven't you come forward with it rather than Bill 143?" The answer that I speculated and put forward was that if the environmental bill of rights were in fact brought forward, it would be included in Bill 143 as one of the pieces of legislation that would not apply. You would have this great irony of the Minister of the Environment bringing forward a bill of rights and then, on the other hand, saying, "We override it with Bill 143," as she has overridden all the other legislation. I find that very disturbing. I suppose "ironic" is one way of putting it. "Disturbing" is actually a little soft to describe how I feel about it.

That question was asked. We had something in the Legislative Assembly called a late show, which is a process where you put that question specifically and give the minister five minutes to answer the question. The minister was unable or refused to answer the question. I hope you will get an answer to why there is no environmental bill of rights. I suspect the reason there is no environmental bill of rights is because the concept of an environmental bill of rights is completely contrary to Bill 143. It is at odds in totality. I do not know if you want to comment on that, but I just wanted to share for your information that the minister on two occasions refused to answer, and, given five minutes, still did not answer that question.

**The Chair:** Did you want to make a comment?

**Ms Boothman:** No, that is fine.

**Mrs Mathysen:** I think actually Mr Jackson asked my question. I was going to ask for Mr O'Connor to have Mr Blackwell from the ministry explain the process of the Ontario waste reduction office. I will ask the deputant, though, if she has seen a copy of the draft approach criteria that have been published that set out beforehand the criteria for siting a long-term landfill? It is very specific in terms of being clear beforehand what areas cannot be considered for landfill and therefore would, I think, alleviate some of her concerns about there not being a clear direction and public participation in that process.

**Ms Boothman:** Yes, I have seen that and we have tried, through the No Gananaska Dump Committee, to partake in public input, but we are not satisfied that the public input is being sufficiently taken into consideration at this point. In fact, there was a public meeting with Dillon. They were unable to answer 75% of the questions asked of them concerning that approach and the criteria.

**Mr Wiseman:** My comments have to do with the dictatorial powers and also with the draft document. We know in Durham from the experience of P1, which is in my riding and which I fought—I have been to Newcastle, and before I was elected to talk about landfills I was a founding member of Pickering Ajax Citizens Together, so we know that the minister, any minister, has some far-ranging and very extensive powers to impose whatever he or she wants to impose and to do it however he or she wishes. I see this document as setting out some limitations on that,

through the criterion that says you cannot expropriate any land unless a certificate of approval has already been issued. This greatly reduces the powers.

My residents in North Pickering know that governments have the right to expropriate huge tracts of land. This prevents the minister from doing it. There are other sections of this bill that I see reducing her powers. Actually, one of the sections under consideration for amendments would have reduced it more, but groups of people do not like that section.

1210

**The Chair:** One minute.

**Mr Wiseman:** The first draft document of the Durham region site criteria plan sets the broad framework for the initial stages. There are other criteria that will be coming out that are very technical in terms of the extensive, about hydrogeological formations, and these are going to be used and set out as the criteria against which all landfill sites are going to be measured. I find that to be a much better process than the previous one where five sites were picked and then you had to pick the least of the bad lot. Could you perhaps comment on that?

**Ms Boothman:** I do not feel right now that I am sufficiently familiar with the document to be able to comment on that, but I certainly think that the Oak Ridges moraine, for example, and similar environmentally sensitive areas, should be taken into consideration. We do not have any written evidence at this point that they are, or if they are, they certainly have not been identified.

**The Chair:** Mr McClelland, you have the floor.

**Mr McClelland:** Maybe you can help me reconcile some questions and difficulty I am having in my mind too.

You talk about the Oak Ridges moraine. We have a minister who said there would be no expansion without a full environmental assessment, who stands literally together with the Premier on occasion on the Oak Ridges moraine, at or near Keele Valley landfill site, and then says: "I'm sorry. We don't like to do this, but we're going to go ahead and expand, notwithstanding the fact that it is on the Oak Ridges moraine, with no environmental assessment, no guarantee of even an EPA hearing. Too bad. We have to do it. Notwithstanding the fact it's contrary to everything we said prior to being elected and notwithstanding the fact it's contrary to our proposed environmental bill of rights, we're going to go ahead and do that."

On the basis of that, what kind of assurance or comfort level do you have that the provincial interest in the Oak Ridges moraine will have any beneficial impact down the road? Does it not seem to call into question the whole concept of setting aside land? Are they not on their face blatantly contradictory?

**Ms Boothman:** It needs to be identified. One of the reasons we find this Bill 143 so scary is that it just totally bypasses any environmental assessment and can be forced through, but at least if environmentally sensitive areas such as the Oak Ridges moraine are identified as such, admittedly it is small comfort, but it is down there. It is written down.



**The Chair:** Thank you very much for appearing before us today. We appreciate your presentation and would suggest that if you have additional information you think would be helpful to the committee, you can submit to us in writing over the course of our deliberations, and that applies to anyone who appears before the committee or anyone who is just an observer. If there is anything you would like to share with the committee, you may do so in written form by sending it to our clerk.

#### CITY OF KINGSTON

**The Chair:** I would like to call next the city of Kingston. Welcome. You have 20 minutes for your presentation. We are pleased that you are able to be here in Kingston this morning and thank you for your hospitality. Please begin your presentation now by introducing yourselves, and we would appreciate it if you leave a few minutes for questions by committee members.

**Mr Clements:** My name is John Clements. I am the acting mayor. Mayor Helen Cooper sends her regrets, but I believe she is on AMO business today. With me today is Bert Meunier, who is the chief administrative officer for the city of Kingston.

I believe you have our brief. I would like to say thank you for getting us on at the last moment. We very much appreciate that. I am not intending to read the brief. I believe that our education system is excellent and that we can all read. I am also very well aware that it is close to lunch time. I speak only as a board of education employee in that sense, by the way.

**Mr Daigeler:** Vested interests.

**Mr Clements:** No conflict, though.

I am very well aware that it is close to lunch and I may be competing with other urges at this time, so what I would really like to do is to leave you with a sense of what we as a municipality feel, some of our feelings, and some of the points in terms of the whole environmental assessment process we feel are important, particularly as it impinges on Bill 143.

To begin, I would like to give you a small summary of where the city of Kingston and the greater Kingston area is at. In 1985 the township of Kingston, our neighbour to the west, began a waste plan. In 1986, at the urging of the Ministry of the Environment, the city of Kingston joined with the township of Kingston. At that particular time, the local landfill, Storrington, was projected to last until 1995 or 1996, satisfying mainly the city of Kingston. However, at that time, in the township of Kingston, their particular landfill was full and we managed to accommodate them, as did Laidlaw, the owners of the Storrington landfill site there.

In April 1991, after I believe it was two extensions, Storrington was closed. Since that period of time, the city of Kingston, because it has a contract with Laidlaw, has been trucking its garbage to the Carleton site, which is privately owned by Laidlaw, at a cost of some \$4 million per year.

At the same time, there have been extensive attempts at implementing the 3Rs. The blue box program, which was implemented in 1989, is now to all single families and to

most of the apartment buildings, and we will continue to implement those phases where it is profitable and economical for the blue box program.

At the same time, last year there were a number of materials that were banned from landfill, wood pallets, for example, construction materials, cardboard, and in the city of Kingston itself, office material that is recyclable. This has resulted in a 37% drop in less than one year in the amount of materials that are going to landfill. We project on a long-term basis that within two years we will be below 50% of what we were sending to landfill.

We have been making provisions for a municipal diversion facility, which hopefully will be up and operating by 1994, if all the approvals are in place. With that facility in place, we will be able to divert more than 50% from landfill.

I should mention to you that the costs have been extravagant, of course, and I think everyone is well aware of that. Tipping fees have gone from \$25 a tonne to \$155 a tonne. The cost to the average taxpayer has increased 60% in two years. Given the long-term costs of finding a landfill and the blue box program and the costs associated with it and diversion, we suggest to you that they will be at that same level or even higher.

In regard to this particular bill and in regard to the whole matter of waste management, we have five major points we would like to bring to you today. We do not have all the answers, but we have some concerns, and if I end up leaving you with a sense that we are frustrated, upset, perhaps even angry, then I will have done my job.

It appears to us that Bill 143 does not treat the rest of the province outside of Toronto either fairly or equitably as municipalities. We find it very difficult—and maybe it is not being in Toronto. I know that for those who are not from Toronto, we tend to take a different view of what happens once you hit Oshawa or Bowmanville. But we fail to understand why the so-called crisis in Toronto is not similar to that being experienced in the greater Kingston area. It is our understanding that one landfill, Britannia, I believe it is, is to close in 1992, another one is to close in 1996 and another one to close in 1999 in the Toronto area.

We have had no landfill for over a year. Our consultants, Gore and Storrie, going through the waste management master plan, based on their discussions with everybody involved, now tell us it will be the year 2002, 10 years, or 16 years in the planning process, before we have a landfill site in this area. Part of that problem of course is that we are restricted to the township and the city of Kingston, and if you are familiar at all with this area, you know that approximately two thirds of the land area is urbanized and it is very difficult to find appropriate sites that meet the environmental aspects.

Basically it appears to us that Toronto is being treated as a different kettle of fish, quite honestly. You are giving it a different viewpoint than you would here, and we are in as much of a crisis. Perhaps the garbage is not as much, but certainly on a per capita basis there is very much comparable.

1220

We believe that this bill really has not addressed the environmental assessment process. Why is it taking another 10 years? I should note to you that our costs so far are over

\$1 million, just with consultants. I sometimes think, as an aside, that really the government has got a create-work program by hiring consultants to go through all these environmental processes, and right now I should have a job with Gore and Storrie and not with the board of education. But we really find it difficult to look at the environmental assessment process and suggest that it is working fairly and equitably. I would suggest to you that this particular bill is a recognition that it is not working, that it is slow and that it is not working in the best interests of all parties.

I must tell you that we were very disappointed that we were not consulted in the approach to this bill. We received notification, basically through a fax from AMO, and I think that is because our mayor is president of AMO. That was a week ago Friday. I believe there was notification in the local newspaper. I talked to one of the councillors in our neighbouring municipality, the township, and it had not received notification either of this bill, and it affects us greatly.

We have had at least three different representations to the Ministry of the Environment and twice with the Minister of the Environment personally where we have requested various things. For example, we requested their opinions on user-pay legislation, waste import and the speeding up of the processes regarding the environmental assessment, fast-tracking, if you will.

One year from our first representation, we got an opinion from the Ministry of the Environment that in effect it would concur with user-pay systems, because the legislation is not in place. Contacting the Minister of Municipal Affairs, he indicated to us that he had never heard about it. So now we have to wait for the impending legislation. I realize that the bigger you get, the harder it is for all departments to know what is happening, but quite honestly, waste management is a major crisis in this province and we really hope there would be a touch more cooperation.

I would like to point out to the committee that our interpretation of the Municipal Act in regard to solid waste is that the municipality may act in this regard. It is not our specific responsibility.

The costs I have mentioned to you in 1991 dollars are running \$4 million a year for trucking. Over 10 years, that is \$40 million. Our projected costs for studies, when finally done, are in the neighbourhood of \$3.6 million. Our costs for the municipal diversion facility are in the neighbourhood of \$16 million. Our costs for the landfill itself are estimated at anywhere between \$16 to \$20 million. I find it ironic that we are paying more to ship our garbage to Ottawa over the 10-year period, if that were allowed—and it will not be allowed—than we would be for all the capital facilities and the consultants' fees. We find it very difficult to understand why the process takes so long.

If we are in a situation approximately two years from now when our dispensation to go to Carleton is done, we will have to look at many alternatives, many of which we as individual councillors find distasteful. Quite honestly, one of those alternatives is to look at sending our garbage to the United States. Personally, I find it very difficult to criticize the United States' positions in regard to acid rain

or CFCs coming up our way in terms of air when we are sending garbage down there to be burned and then come back up here. It is a little bit ironic and contradictory, but we have very few options after Carleton is done with, which is May 1, 1993.

I would suggest to you that since this is a "may act" clause in the Municipal Act, and since there are significant costs for a municipality which has a limited base, especially in a city that is not growing substantially, it should be part of the disentanglement process, and I would hope this committee or some other committee would take that into their considerations. We feel very strongly that in the same way everything is being discussed, this should be discussed as well.

We would urge the committee to look at provincial initiatives, not just by region. As I mentioned before, we are cooperating with the township of Kingston. Through the Environmental Assessment Act, our range for looking at sites is limited to the township and to the city. It is interesting that two of our neighbours who participate with us in KARC, the Kingston area recycling committee, actually have landfills that would last awhile. But if I were in their shoes I would never participate in a waste management master plan with them. Why? So that they can have their landfills filled up by the city and the township? It is crazy on their part.

I am suggesting to you, Madam Chair, that the province must take regional and provincial initiatives. I would give you the example of New Brunswick, where they in effect have taken a look at it on a regional basis and have established either 12 or 15 regional landfill sites that have been the responsibility of the province. They have gone ahead with that with certain criteria in place.

I would like to end up and leave with questions, if that is your wish. Basically, at this time we are feeling very frustrated with the process. Quite honestly we do not understand what makes Toronto any different. I hope someone will explain that not only to myself today, but throughout the rest. We are extremely frustrated with the environmental assessment process and we really believe we have not had the full attention of the government in dealing with our crisis in the greater Kingston area. Thank you very much, Madam Chair.

**Mr McClelland:** I want to indicate that I am glad you are here, notwithstanding the fact that you were not given initial consultation. To give credit where credit is due, Miss Cathy McVitty of our research office sent faxes to AMO and other people, bearing in mind of course that the government wanted this bill passed prior to December 19, which was right in the middle of municipal elections. Notwithstanding the fact that it has tremendous implications for not only the greater Toronto area but municipalities right across the province, the government did not want to talk to you about it because, my God, you might come up with some better ideas or show that there were some deficiencies in the planning.

I think you pointed out a very interesting and important element, that the environmental assessment process, notwithstanding its good intent and the foundational principles I believe in, is not working well. What we ought to be



doing as a province is addressing that with a comprehensive plan for the province, if you will, within the context of the EAA process that is not working, so fix the thing that is broken, rather than an emergency-type response to an area in the greater Toronto area. The legislation is really just crafted together to kind of deal halfheartedly and holus-bolus with the problem.

I also want to indicate to you, sir, that not only does it set out a scheme that is different across the province; it is a different scheme within the GTA. It depends on where you are in the GTA what rules will apply as well. It is just totally a lot of balls being juggled and it depends on which side of the fence you are on and which day of the week it is, which principles and which laws apply, and just adds confusion to an already difficult situation.

I can only say that I hope you are consulted, I hope you are listened to and I hope your problems are addressed in some comprehensive manner. I thank you for the recommendations you have brought to us. You may want to comment.

**The Chair:** Did you want to respond?

**Mr Clements:** Very briefly. Thank you very much. I must say that we are quite willing to consult with anybody. I think that to some extent we have been forerunners. You tend to learn from those who go first. Because we have been at it since 1985 or 1986, we are quite willing to share our experiences so that other people may benefit by them.

**Mr G. Wilson:** Thank you very much for the presentation, John. Certainly there is the frustration, the concern and the anger as well about the situation we all face. As you know, I was sort of flung into this question of the landfill crisis here in Kingston. I think the one aspect of that, though, is the fact that it did not happen overnight. This is something that developed over a number of years that other governments have tried to address and not done all that well. But again, there is an experience that we can develop and work on and that is what we are trying to do.

You say part of the frustration comes from your perception that Kingston is not being heard in Toronto, that there is one rule for Toronto and another for other areas. I should point out that Ruth Grier is also minister responsible for the greater Toronto area, and it is partly the base of that responsibility that this act addresses.

1230

The other are the longer-term things that do include the consultation with communities like Kingston through organizations like AMO, and of course the mayor of Kingston is also president of AMO, so there is a very direct relation there. But still, Kingston is a member of AMO and there are continuing discussions on various aspects. Perhaps the longest-term are the reforms to the environmental assessment process, trying to make it more streamlined and more inclusive.

There is Initiatives Paper No 2, which—

**The Chair:** Thank you very much, Mr Wilson. Did you wish to respond?

**Mr Clements:** No.

**The Chair:** Mr Jackson, you have the floor.

**Mr Jackson:** John, it is good to see you again. I remember you from the Bill 30 hearings when I was here in town. I come from Halton region. We are unique within the GTA because we have probably spent more money per capita than any other municipal jurisdiction in Canada with respect to fighting a landfill application.

I was intrigued by your comments about the narrowing down of your options. This is what happened in our community as we legally used the framework to slow down the process environmentally responsibly so that we would not end up with an offensive landfill site.

We are shipping our garbage to the United States extensively. It was the only option available to us. I am familiar with your geography and your extensive watershed. I doubt seriously that you have a landfill site within your city or township, but that is another story.

Could you comment about how you feel about being narrowed down to that series of options? Your own staff have looked at the future and told you, given these circumstances. There is only one other scenario and that is the government interceding. Would you like to comment about that?

**Mr Clements:** As you are aware, Madam Chair, municipalities are creatures of the province, both by legislation and by regulation. I must say that I personally find shipping our garbage to the United States somewhat distasteful and the last option that is available to us.

I think I will speak not from a technical basis, but from the point of view probably of the man in the street. They find it very difficult to understand why, in a land as vast as Canada with the land mass that we have and the population density that we do not have, there are not sufficient spots within Ontario to accommodate the landfill sites.

Having said that, as you quite adequately pointed out, the environmental assessment process states basically that we will look at the two municipalities we are concerned with. For those of you who are familiar with Kingston, below the 401 is urbanized extensively and the plans are for same. There is a small section of the township and the city that goes north maybe five miles.

Three sites that are available at this time are the prime sites. They are in an area called the Glenburnie area. I would invite any of you to go out there. We are in effect looking at one of the sites in the Glenburnie area which is very close to the Rideau River, that watershed. I know that the technical people tell us you should put a landfill there because in effect the water system will take out all the bad things that are in the garbage and will act as a filter system. At the same time you have other people saying, "But you're going to end up polluting the water," and we find it very difficult. Those are the three prime sites.

It is interesting that one person told me that if this were western Ontario, where you have extensive clay beds, which I guess are the prime prerequisite for landfill sites, none of our top six sites would even come close to being acceptable. Those are what we are allowed to have and all we are allowed to look at. We are not allowed to go beyond that.

You guys set the rules, quite honestly. I think that is what we are saying in our frustration. I would invite you

all to drive out to Glenburnie and take a look at it. I could wear my other hat and tell you there is a school within 520 metres of this landfill, which is probably applicable to Halton. We are frustrated, Madam Chair. Unless you change the rules, this bill and all the consultation with AMO will not help us one little bit in the least and we will be into a confrontational situation when we come to the Environmental Assessment Board. I think all parties would love to avoid that.

**Mr McClelland:** I heard Mr Wilson tell Acting Mayor Clements that notwithstanding the fact that the city was not consulted, AMO was consulted. I also heard Mrs Cooper, who is the mayor and who is president of AMO, say that AMO was not consulted. I wonder if the parliamentary assistant can clarify that, because I have heard Mr Wilson say that AMO was consulted and that Kingston should not worry. I wonder if the parliamentary assistant can clarify what, if any, consultation did take place.

**Mr O'Connor:** Thank you. I am glad you raised that. I think Mr Wilson actually pointed out that the mayor and president of AMO was involved in Initiatives Paper No 1 and will be further involved as the process proceeds through Initiatives Paper No 2 and with the Ministry of Municipal Affairs when we get into the powers around that as well. I think that is what Mr Wilson was talking about.

**The Chair:** We appreciate your coming before the committee this morning. I know you are aware that if there is additional information over the course of our hearings that you would like to share with us you can do so in writing through our clerk. Thank you very much once again for your hospitality and also for your excellent presentation.

I have two items of housekeeping for committee members. First, your bags must be in room 113 of the hotel. They are going to be picked up by 5 o'clock. The hearings here should be completed shortly after that or around that time. We will be picked up here at 5:30. The preference would be for you to have your bags in the room at the hotel. They will be picked up and then we are going to be picked up here shortly after that. If you could arrange to get that done, that would expedite matters.

Second, lunch has been arranged for committee members and staff in an adjacent room. It will be available over the course of the break. The committee will reconvene in this room at 2 pm.

There are a number of changes to your agenda for the afternoon. If anyone is interested, I have the corrected copy. The standing committee on social development now stands in recess until 2 o'clock this afternoon.

The committee adjourned at 1238.



## AFTERNOON SITTING

The committee resumed at 1400.

## ALCAN RECYCLING CANADA

**The Chair:** The standing committee on social development is now in session. I would like to call our first presentation, Alcan Recycling Canada. Please introduce yourself to members of the committee. We would also remind you that you have 20 minutes for your presentation and ask if you would leave a few minutes at the end for questions from committee members.

**Mr Primeau:** Thank you. Good afternoon, Madam Chair and members of the committee. My name is Michel Primeau, national recycling manager of Alcan Recycling. Also with me is Chris Koszewski, works manager of our Kingston plant. I have come to make a brief submission to the committee on Bill 143 and Initiatives Paper No 1: Regulatory Measures to Achieve Ontario's Waste Reduction Targets, which set out the draft regulations that flow from the bill.

I am pleased to speak to the committee on behalf of Alcan Aluminium Ltd, which has been a pioneer in developing recycling systems and achieving high levels of aluminum recovery. Through its involvement, Alcan is demonstrating its commitment to product stewardship. This means taking responsibility for our product. Aluminum recycling makes good economic sense for our customers, municipalities, and ourselves, and is environmentally responsible.

In this submission we make three fundamental points about Bill 143 and the regulatory approach to solid waste diversion. First, a partnership which combines industry knowhow with a clear public policy framework will achieve the desired results cost-effectively. Second, recovery of materials should not be mandated without addressing the issue of cost and who pays. Third, competing materials and packages must be treated equally.

Partnerships are becoming the new way for business and government to work together. The Premier of this province recently appeared on television to talk about the current economic reality facing Ontario and solicited the participation of the business community to work in partnership with the government to stimulate an economic renewal. Partnership implies cooperation and building on each other's strengths. We in the private sector believe that it is our responsibility to facilitate the development of markets for secondary materials to enable communities and businesses to expand their recycling programs and meet their responsibilities. But the process must be an evolutionary one.

In sharp contrast, the strong command-and-control approach taken in this bill and its supporting regulations is unlikely to stimulate the creativity of industry and capitalize on private sector knowhow in combination with government guidance to achieve the desired results. Many in the business community are ready and willing to work in partnership to assist in achieving Ontario's ambitious waste diversion goals. We believe the role of government

is to provide policy guidance and a clear and stable business climate to encourage the private sector to make the necessary investments.

The power to regulate or ban products or packaging on the grounds that they may pose "waste management problems," as set out in section 29 of Bill 143, is vague and does not lend itself to creating a stable business environment. Waste management problems must be better defined and, if invoked, must be applied appropriately to both domestically produced as well as imported materials and products. We believe it is only fair that the minister be more specific about what constitutes a waste management problem, so that industry can be given the opportunity to develop solutions to the problem.

Costs: This bill and the regulatory requirements set out in Initiatives Paper No 1 mandate a prescriptive approach to divert wastes without regard to the costs. Mandating recovery of materials without regard to the cost is not sustainable in the long term. Moreover, the financial burden of the system should not be borne through the taxes paid by residents and businesses. All materials included in a recovery program should cover all of their costs of collection and processing.

Aluminum has been recognized as the economic engine driving Ontario's blue box program, which has become an international success story. Alcan has been involved in this program from its initial pilot trials in the early 1980s. Aluminum beverage and other containers are easily captured by the blue box and baled for recycling.

The market value of scrap aluminum from used beverage containers has ranged from \$700 to \$1,500 per tonne over the past few years and has the highest value of any materials in the blue box. While aluminum accounted for less than 1% of the weight of materials collected in Ontario's blue box programs, it generated 10% to 25% of all revenues. In other curbside programs, aluminum represents 1% of materials and generates up to 50% of total revenues. Aluminum is still the only material which more than covers its costs of collecting and processing, and it helped to support the collection and diversion of over 370,000 tonnes of other materials from the waste stream in 1991 through Ontario's residential curbside program.

Canada-wide, over 55% of the aluminum used in beverage containers is collected and recycled. Alcan Recycling processes over 40 million pounds of recovered aluminum annually in Canada, which represents approximately 1.1 billion beverage containers.

We strongly support the concept of product stewardship and we want all the aluminum back that we can get. We have not stopped with beverage containers. Alcan is committed to recovering aluminum from more sources. We have been working on the collection of foil materials from households. Materials collected from a pilot program in Guelph recently arrived at our plant here in Kingston and are being assessed for their content and level of contamination. We have also tested a special collection day to recover aluminum from garden furniture, ladders and other

household items. Aluminum recycling provides a unique opportunity for all involved: a win for municipal recycling programs, a win for the environment, and a win for Alcan. Aluminum recycling is economical, saves energy and enhances our competitive position.

At Alcan, we are continuing to invest in research and development to expand our aluminum recycling capabilities. That is why we have been involved and will continue to be involved in testing recovery and processing technologies. We want to work closely with the ICI—industrial, commercial and institutional—sector to increase recovery and separation of high quality post-consumer aluminum.

**Level playing field:** All packaging and materials which compete against each other must be treated equally. Other packaging materials which are alternatives to aluminum have not been specifically designated for separation and will continue to be a burden on our landfills. There is merit in putting producers and users of these materials on notice that they are expected to demonstrate the same degree of environmental responsibility as their competitors. A key role of the private sector is to develop markets for recovered materials to ensure a financially self-sustaining recycling system. We must go beyond just collecting materials and provide processing capability to effectively close the recycling loop. Alcan has responded to this need, and other material producers should do likewise, yet Bill 143 does nothing to address this critical issue of end markets.

We have shown leadership and are continuing to commit to developing processes to recover and reprocess aluminum, and we cover the costs of recovery. We believe that a similar commitment should be made by all packaging suppliers, particularly those which compete with our product. Regarding Initiatives Paper No 1, we believe that all packaging materials should be similarly included. For example, in the area of plastics, only PET has been specifically mandated for recovery, yet other plastics such as high- and low-density polyethylene, bottles and films, are used in high volumes and justify inclusion in this program.

We believe this will stimulate the expansion of processing capacity and assist in increasing the volume of materials diverted from landfill. Communities throughout Ontario are experimenting with expanding the types of material collected. Some communities have broadened their blue box programs to collect 12 or more materials, while others have leapt to what is seen to be the next generation of diversion, which is wet and dry systems. The regulations should be sufficiently flexible to continue to support innovative collection systems and develop the necessary processing capability in Ontario as a means of stimulating the economy.

In conclusion, I would stress the need to avoid creating roadblocks and stymying industry in its search for workable, cost-effective solutions. Give us the framework and the latitude to develop solutions which work, rather than prescribing narrow solutions. As demonstrated through our involvement in the blue box, Alcan wants to be part of the solution, not part of the problem. Alcan has been a leader in supporting curbside recycling systems in Ontario and is continuing to pilot new approaches to recovering alumi-

num from residential and non-residential sources, as well as researching technologies to increase aluminum recovery.

Finally, aluminum competes against a variety of other packaging materials, many of which are not specifically mandated for recycling under the proposed regulations. This creates an unlevel playing field for us. We recommend that producers of these materials and packages should be similarly encouraged to accept their environmental responsibility. Alcan is prepared to work with the provincial government to achieve its waste diversion goal, but let's do it within a legislative framework which fosters industry-creative solutions and in a fair and competitive business environment.

I would welcome any questions. Thank you.

1410

**The Chair:** Thank you for your excellent presentation. Question, Mr McClelland?

**Mr McClelland:** As much a comment as a question: I hope your concerns are just, sir. We would be at a loss as a province and indeed as a country if we were to lose the investment and the initiative that Alcan Recycling has brought to bear for the recycling of aluminum in the province of Ontario. You indicated that you are continuing to invest in research and development to expand the capabilities. You indicated that uncertainty, although not imminent, certainly calls into question the stability of future investment.

I hope we would not lose that and I would hope that the framework you ask for is established so that you are given the latitude to do what you do best, as businesses, to be allowed to compete and compete efficiently and cost-effectively and not to be seen as adverse to the goals of the government and the society that we all share, but rather to be brought in as an equal partner, a partner who is not just given passing lipservice but actually listened to and incorporated into a solution in a very meaningful way. I hope your presentation today helps ensure that that happens and that some of the uncertainty you expressed will result in some open, honest and direct dialogue that will address the problems.

**The Chair:** Did you wish to comment?

**Mr Primeau:** The other comment I would like to make is yes, Alcan is investing a lot of resources, money and people, to develop recycling technologies, and again we hope we are not doing it for nothing.

**The Chair:** Mr Lessard?

**Mr Lessard:** I have a couple of questions: one, whether you can give us some specific suggestions about what we can do to stimulate the creativity of industry and capitalize on private sector knowhow to achieve the results of Bill 143. You made one reference to treating different packaging materials equally, but are there other suggestions you can offer?

**Mr Primeau:** I think that is the key issue. If in legislation all packaging materials are treated equally, that will keep competitiveness as the main issue and I think that is the basis of industry success in the long term, to make sure that a piece of legislation is broad enough for all materials



and does not narrowly single out an issue specifically that will remove competitiveness.

**The Chair:** Mr Daigeler, question?

**Mr Daigeler:** My question is perhaps along the same lines. I think you pointed out some fundamental shortcomings of the present bill. You are talking about a command-and-control approach. You are talking about a prescriptive approach without regard to the costs, and about narrow solutions not giving us the latitude to develop solutions which work. Could you be a little more specific as to what you have in mind precisely with regard to this bill that we now have before us so that we can possibly put forward some recommendations for changes?

**Mr Primeau:** Again, it addresses the area of the materials covered by that piece of legislation. It should cover all packaging materials, and if there are problems, if we look at what it costs society or municipal or provincial governments to dispose of those materials, what we support is that you should carry your own weight through that process, through your whole life-cycle process. If yours is a packaging material that is used to package a certain commodity, you should have enough money in the sale price of that commodity or that product to cover the cost of disposition right up to landfill, if that is the solution, or recycling, if that is the solution. Landfill is the solution for material that has no value, or enough to bring it back to its market if it is to be recycled.

**Mr Wiseman:** My question has to do with the equality section. One of the difficulties that is arising, for example, is in the capturing of glass and the reuse of glass in a recycling system. Now it is finding itself in direct competition with glass coming in from Mexico. We know it is the wage differentials in Mexico. Labatt's is in fact buying its bottles from Mexico and it has put two glass recycling companies out of business in Ontario already. We have heard some suggestions that maybe content regulations and legislation would be necessary in order to make sure the products we are recycling actually have a market. My question is that, and the other one is, how would we help you get 100% of your aluminum back?

**Mr Primeau:** If your question is how to get 100% back, I guess you would have to design—if this government decides to implement a curbside program across the province, make sure it is implemented. I think the legislation is looking into that to make sure that every municipality over 5,000 people will have to have a curbside program and then the ICI sector will have a mandatory source separation. That is the way to go after 100% aluminum.

**Mr Sola:** Sir, you state that a key role of the private sector is to develop markets for recovered materials. My question is, is there a role for government in this market development, and if so, what is that role?

**Mr Primeau:** For aluminum, my suggestion would be to ask government to stay out of it, because there is no problem with the aluminum market. If I want to take another example, maybe we would look at newsprint, which has been a problem in Ontario, or glass, which has been an issue. Maybe there should be assistance provided. Importers of glass have been a problem, and I do not think the

local producers have been treated equally. It is the same for newsprint. When there was assistance needed to make sure that commodity was moving, again the government of Ontario stepped in at that point to help make sure the stuff was not landfilled.

**Mrs Mathysen:** I understand the high value of recovered aluminum made the blue box system viable. Now the soft drink industry has switched over to steel cans. Could you comment on the effect on your industry of that switch?

**Mr Primeau:** The impact of the switch is basically compounded with the poor recovery, because the curbside program in Ontario was being built—I mean, if you go back three years you had only a small fraction of the households covered by blue box programs and basically none in the ICI sector. So the capture rate of aluminum in those days was extremely low. Over 40,000 tonnes of aluminum has been landfilled in Ontario over the last two years, 1989 and 1990. Had those 40,000 tonnes been given to municipalities and not in landfill, 40,000 tonnes at \$1,000 a tonne is \$40 million that should have been injected through that curbside program. Right now the industry has been pumping money into it, the provincial government has been putting in money, municipal governments have been, and that aluminum is landfill. If there is a way to get it back, we will gladly take it back.

**Mr Jackson:** What would the impact have been of having \$40 million worth of additional aluminum on the market for your industry to buy back? What would that have done to the price of aluminum?

**Mr Primeau:** In terms of the price of the secondary material?

**Mr Jackson:** Yes.

**Mr Primeau:** There is no risk of glut, if that is the sense of your question. The market has an infinite starvation for aluminum. We need everything we can get back. One way to keep that commodity, the beverage canning sheet, to the level it is right now is to get it back, to be very competitive. So the impact would have been extremely positive on the market.

**The Chair:** Thank you very much for an excellent presentation. We appreciate your coming before the committee today. As I have said to other presenters and I say to everyone monitoring these hearings, if there is additional information you would like to share with us, please feel free to communicate with us in writing through our clerk and we will take your comments and presentations into consideration during our deliberations. Thank you again.

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#### CORNWALL ENVIRONMENT RESOURCE CENTRE

**The Chair:** I would like to call next the Cornwall Environment Resource Centre. Please come forward and introduce yourself at the start of your presentation. You have 20 minutes in total and we ask if you would please leave a few minutes for questions. Please begin your presentation now.

**Mr Milnes:** I am presenting to you today in the vain hope I might make a difference. I am very disturbed that a

US emotionalist, Paul Connett, was allowed one hour to speak to this committee and I, as a Canadian environmental scientist, have been allowed only 20 minutes. This causes me considerable anger. Do you honestly believe that Canadians are a lesser people?

No doubt Mr Connett told you his famous line, that he has made more than 700 speeches around the world. Did you have the wisdom to understand what this actually told you? That someone who is a lecturer at a university spending as much time as that on talking engagements has no time in which to test any of his theories, yet you were fooled into giving him one hour of your time at a cost to Ontario taxpayers. I note Dr Cohen, another US citizen, was also given the same amount of time. I am wondering who pulled the strings for this to happen. I am, to say the least, discouraged and angry.

Let me present my credentials. I graduated in the 1960s as an environmental scientist from a British university. In the years since then I have been a practising environmentalist and teacher in the public school system of Ontario. From 1988 to 1991 I was the full-time chairman of the public advisory committee for the St Lawrence River at Cornwall. As a member of their technical subcommittee I was the writer of most of the technical papers that represented the committee's position to five international government agencies.

I was the only member of the public to sit on the all-government-agency scientific remedial action plan team for the St Lawrence River. I was the person who caused the US Environmental Protection Agency to come to Cornwall to receive a Canadian submission on the environmental impacts from US industries on the St Lawrence River and Canadian people.

I was one of a team of three Canadians who discovered that aquatic sciences have addressed lake environments through limnology studies and ocean environments through oceanographic studies. We found the missing link. There was no concerted research on the channels that connect the lakes and the oceans, more commonly known as rivers. I, as a Canadian, introduced the name "riverainology" as the science of studying the large rivers of the world. I wrote the book on how to develop the proposed institute of environmental studies for large rivers, which will be located in Cornwall on the banks of the finest freshwater laboratory in the world, the St Lawrence River.

I created the Cornwall Environment Resource Centre, a non-profit organization to undertake environmental actions and to disseminate factual environmental information to the public. We formed environmental partners with whom ever we could to cause environmental actions to be instituted.

We have a pop can collection program which is self-supporting and is covering the inadequacies of government to take action. The program would not be necessary if the provincial government were to take the simple action of putting a levy on pop cans like they do in Quebec and New York state. My centre has, as a partner with the city of Cornwall, carried out a complete audit of waste generated by industry, commerce and institutions in the city of Cornwall.

We have evolved a program, again as a partner with the city of Cornwall and the federal government program, En-

vironmental Partners, to collect all old corrugated cardboard from industry, commerce and institutions in the city. We are collecting all the rags from the entire region and we sell them to Rags International for distribution to Third World countries.

We are environmental action workers who actually do the job rather than just talk governments into not doing something. We provide the unemployed with employment opportunities. Our only time for talking has been with local schools, municipal councils and service clubs to build the people involvement in real environmental programs.

I have made representations to so many groups and government agencies to gain environmental actions. I have even tried to get Elinor Caplan, your Chair, to undertake health studies of the most polluted river in Canada, the St Lawrence River at Cornwall. She refused. But since then I have been able to convince the Department of National Health and Welfare to undertake those studies.

We are acknowledged by some. In fact, the honourable Jean Charest, federal Minister of the Environment, came to Cornwall only four weeks ago to be a guest speaker for a fund-raising dinner for the Cornwall Environment Resource Centre. The Honourable Ruth Grier, the provincial minister, is coming to Cornwall to meet with me in two weeks' time, on February 29.

Last October I made a presentation to the three united counties council of Stormont, Dundas and Glengary. My purpose was to inform them that I have determined from my own research of present-day technology that I had been forced to change my position of being in opposition to incineration of municipal solid waste. I would love to share with you the reasons I changed my thinking, but time does not permit.

As a result of my presentation to the three united counties council, a resolution supporting waste-to-energy processes through thermal methods was made. This resolution now has the support of more than half the municipal elected officials across Ontario.

That concludes a brief overview of my background. It provides, I believe, sound reasons for my discouragement and anger at only being given 20 minutes of your time.

Is the government of Ontario willing to listen to the voices of the people of the province? I guess that is the \$64,000 question. Of course, critical to this decision is how the Minister of the Environment, and in fact the provincial government, can ignore the unofficial shadow cabinet which seemingly is the real decision-maker in all environmental matters. In the event you may not recognize the shadow cabinet, it is made up of the environmental advocacy groups who adversely influence Ontario provincial government policy making.

We, the staff at the Cornwall Environment Resource Centre, CERC, examine all data brought before us. We take the time to look and see if the evidence of scientific viability can be substantiated through practical application and findings, and yet we receive not a penny of support in funding from the Ontario provincial government.

Even while on my holidays I dragged my wife along to see yet another waste-to-energy plant in Lake county, Florida. I wanted to see for myself what this commissioner



Swartz fellow might have found to justify his position of opposition to incineration. You will be aware that Swartz has been paraded in Ontario by the advocacy groups because of his opposition to the Lake county, Florida, waste-to-energy plan.

Respecting the stand of an individual, since I have often walked that same path, I searched diligently for grounds to support his stand. I could find none. I now have to say I agree with all the other commissioners. That plant in Lake county, Florida, is yet another incinerator success story. Did you know this letter exists? It tells everyone that all the other commissioners on the Swartz board rejected his position and absolutely endorsed the waste-to-energy project.

There is a growing impression that only when the provincial government has approval from the shadow cabinet can it firmly make a decision. Then usually it is to ignore all the scientific evidence, turn a blind eye to the advances of Britain, Europe, the USA and technologically advanced Japan and refuse to even consider proven technology relative to waste-to-energy methodology.

In fact, Ontario even ignores Canadian expertise found through the federal government NITEP, the national incineration testing and evaluation program, and the findings of SWEAP, the solid waste environmental assessment plan, the Toronto investigation into municipal solid waste management.

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It does not seem to matter to the provincial government of Ontario that the greater Toronto area, the area under the microscope at this time, representing about 45% of the population of this province, has studied the subject and made its decision. The Toronto decision is not approved by the unofficial shadow cabinet, so we are into this humongous time-wasting process when in fact honestly held environmental assessment hearings should have provided the answers. It seems to me this process is geared largely to providing support for that shadow cabinet position.

Think about Phil Jones who was one of our top national environmentalists. He was a doer. Remember the man? He founded Pollution Probe. He gave us the phosphate-free washing powder, the innovative sewage treatment plant. He was even the founder of the University of Toronto environmental studies department. Like me, Jones became discouraged. Where is he today? In Australia. He left because he was discouraged by the manner in which we are allowing ourselves to be misled by environmental activists, the unofficial Ontario provincial government shadow cabinet.

Even the mighty Greenpeace suffered loss of important founder figures and leaders because of disenchantment. So it should, of course. When are we going to realize that all those fancy Greenpeace figures that are constantly floated in front of us are largely emotional hype and that we are being held to ransom? What actually is one part per million, the famous figure thrown at us by the environmental activists? It represents one drop in a swimming pool. But perhaps more important, a drop of what?

Let us take a peek at that dreaded Greenpeace devil, dioxins, one of the so-called reasons for not incinerating. Let's not put aside the scientific evidence but just dwell on

reverse Greenpeace actions. Let us look at actual known histopathological facts related to dioxins, which those doctors of Orillia should have been looking at.

Let us look at the fact that the Environmental Protection Agency now has gross concerns about its position relative to dioxins and furans. The US EPA presently believes it may have overreacted in the matter of those so-called toxics because there is now evidence that the host bodies for their research, the rats, are thought to have been killed by the massive doses of foreign matter rather than the dioxins themselves, and that has to be quite interesting.

But what about the real evidence from the case of the Monsanto workers of West Virginia in 1949; the Dow workers of Michigan in 1964; or Servaso, Italy, which was the largest spill of dioxins on record?

The dioxin spill at the Dow plant potentially reached levels equal to 10,000 parts per million but no one died from that seemingly massive dose. In Servaso, Italy, a whole section of the community was dusted down with between one and four pounds of dioxin—not one drop in a swimming pool but one to four pounds of the stuff—and there is no histopathological evidence to demonstrate serious human health effects.

Let us be reasonable. Who is fooling whom? If those humongous doses caused nothing more than chloracne and sleeplessness then why would we have seen how scientific studies should be undertaken—I am sorry. I seem to have jumped a page. I have, but no matter.

I would like you to perhaps look at a document I have here. I ask that you read the first six pages of this document because it really does address the matters the doctors of Orillia should have been addressing and it tells you how the studies should be carried out. I think it is very important that you learn. If you study nothing else, look at the first six pages of that document.

Your penchant to favour US expertise might also cause you to want to read this paper which is from Dr Lawrence. Both of these documents clearly outline how the doctors of Orillia produced an unscientific document.

Would it not be appropriate to put a stop to all the waste of time and money and begin to make some sound decisions based upon known scientific and environmental facts?

We know of three methods of processing municipal solid waste. We have landfilling, composting and thermal approaches.

Landfilling: In fact, any form of storage procedure is extremely dangerous since it tends to be uncontrolled. We finally burnt the tires at Hagersville and we had no controls there. The methane gas emanating from landfill sites surely cannot be considered under control. Nor, might I add, are the toxics controlled, which migrate downward from the landfill sites into the groundwater locations.

Composting, the saviour of the green people: The supporters of composting seem to conveniently forget those very toxics which they feel should not be incinerated. Composting does not remove toxics. Why, then, can the toxics now be put out with the compost? I do not believe they can. They will leach out of the compost into the soils that they are supposed to be enhancing.

We are left with thermal approaches. These are not perfect but they are, at minimum, the soundest means of managing our municipal solid waste despite all the unfounded environmental hype.

In summary, I must say it is time for the provincial government of Ontario to get its act together.

It is time to legislate a solution to the pop can problem. We must fix a return cost on cans so we might be relieved of trying to commercialize something which only gives us an income of \$52 for 750 kilograms of work each week.

It is time to recognize that Ontarians do not wish to be, to quote the song, Secondhand Rose. Would you people wish to wear secondhand clothes? Was Mr Connett wearing a secondhand suit when he came to address you?

It is time to recognize that organizations such as our CERC need some kind of support funding for our recycling programs. Talk is very cheap but Ontario does not have any type of funding program to help the environmental doers, such as CERC. Our rags recycling program is a classic example of where help is needed. We sell the rags we collect to Rags International. We do not cover our costs but we divert close to 1,000 bags of rags from the landfill site each month and allow them to go to Third World countries.

It is time to legislate that industry, commerce and institutions must separate their waste and be responsible for the cost of collection for recycling purposes. This would mean we would not have to be waiting with bated breath to see if yet another federal government grant will allow us to do that which Ontario only avoids doing. We are tired of holding out our cans and jam jars begging loonies for recycling programs the province does not fund.

What I want to see for the greater Toronto area and the rest of Ontario is the application of what we are doing in Cornwall, operating community recycling programs. The city of Cornwall is a microcosm of what is happening in Toronto and indeed across the province. We have in place the elements of recycling, and Cornwall could be the testing ground for the province.

But you must take this to the next logical step and complete the cycle by allowing us to turn the remainder of our waste into energy. At the same time, we can produce from the ash a material which can be used for roadmaking, thus saving us from quarrying yet another natural resource. This would be total recycling. It is what I would describe as being environmental.

What I am suggesting is that the talking be put to one side. Let us see the provincial government of Ontario get its act together so that we might have a total recycling program which will allow us to become fully environmentally active.

I am now going to throw down some challenges. If you really seek an answer to the municipal solid waste problems of Toronto, and thus the rest of Ontario, you must come down from your ivory towers. You must close the door on that unofficial shadow cabinet and step into the real world. You must go out and see for yourselves, as I had to do, before I could accept what I have found out only by looking and seeing with an open and honest mind.

To this end, I have personally arranged for you to visit a modern waste-to-energy plant. I am willing to go with you myself since I have, at my own cost, become quite familiar with these plants.

I must ask you, are you really able to bring back an honest decision? Are you ready and willing to accept my challenges?

1440

I know I have not shared a fraction of my knowledge with you. However, I am as close as the telephone and, health and finances allowing, I will meet with you to further debate this fairly simple matter.

My closing remark must be that in order for me to keep abreast of all the scientific changes that are occurring, I am on the mailing list of all significant bodies, from MISA—where I am one of only 59 persons named, together with the Minister of the Environment—to companies involved in manufacturing environmental equipment, such as the much-discussed Ogden Martin.

I believe you must do the same. You must cause the province of Ontario to undertake its own scientific research rather than bury its head in the sand and simply say no to technological advances. Please remember, because I am only a Canadian I was not allowed the one hour you gave to the US emotionalist, so you are short on question time. Thank you for receiving my viewpoint.

**The Chair:** Thank you very much for your presentation. I think I speak for all members of the committee when I take this opportunity to say how pleased we are that you came forward today to share with us your knowledge and your expertise. We also hear your frustration, and I would like you to know what the process was for the committee deciding how we were going to hear presentations.

We wanted to accommodate as many points of view and as many people from around the province as possible. Each one of the caucuses submitted a very short list of stakeholders and interests they thought should be given one hour of time to express that point of view. It was then agreed that all others would be given 20 minutes to verbally appear before the committee. But it was also agreed, as is the standard practice with the committees, that anyone could submit as long a brief or presentation, in writing, in whatever format they would like, so that the committee would be able to consider those kinds of briefs in writing.

Also, as it often happens, committees are not able to accommodate everyone who says they would like to appear. I am pleased to tell you that with just a couple of exceptions, this committee, by the time the hearings are over, will be able to hear from just about everyone who said they wanted to appear before the committee. I think we all felt we would like to have more time to be able to hear a longer presentation or be able to ask more questions, but that just is not possible in this kind of format. I hope you understand that.

On a personal note, I want to say how pleased I am that the federal government, which has jurisdiction for the St Lawrence, agreed to do your health study. I also know that the committee here today would be pleased to receive from you any additional information you would like to share



with us, including your phone number, as individual members of the committee might like to be able to have a chat with you after. So if you would leave your phone number with the clerk, we would appreciate that. Thank you very much for appearing today.

**Mr Milnes:** Thank you, Madam Chair. Can I just say that my frustration is rather that a Canadian was denied one hour when US citizens were given that full hour. That was my major frustration.

**The Chair:** I appreciate your point.

**Mr Milnes:** I do have single copies of everything here. It is just a matter of finances to make full copies for everyone.

**The Chair:** If you will give it to the clerk, it will become part of the public record. Members will receive copies of everything; further, it will also become part of the research document that is being put together.

#### GLENBURNIE RESIDENTS ASSOCIATION

**The Chair:** I would like to call next on the Glenburnie Residents Association. You have 20 minutes for your presentation. I ask, if you would, to begin by introducing yourselves and, if you could, leave a few minutes for questions, but that it is entirely up to you. Please begin your presentation now.

**Mr MacPherson:** I am Bruce MacPherson and this is Bob Wolfe, representing the Glenburnie Residents Association. Thank you for taking the trouble to come to Kingston and thank you for giving us an opportunity to be heard on these vital issues.

There has been too little consultation on waste management in the past. The very first thing wrong with this bill, as we stated in a letter to the Premier, was that there was inadequate provision for discussion. Consultation is of the essence on this issue. Some people act as if the environmental truth has been revealed, but there is only one environmental imperative and a great many political choices. The imperative is to have a healthy planet on which future generations can live. For the rest, we have to make choices among competing objectives.

The choices that the Legislature makes with regard to Bill 143 will affect waste management planning throughout the province. It is shameful that the minister has still not explained her waste management policy to the Legislature. The result is that waste management policy appears to the public to be even more incoherent than in the past, a problem compounded by this bill.

On behalf of the Glenburnie Residents Association, I am calling for the withdrawal of this bill and for the creation of a royal commission on garbage.

Glenburnie is largely a rural area just north of Highway 401; it is formally part of Kingston township. You should know at the outset that our group was formed in 1985 when Kingston township proposed to site a new garbage dump in our community. We have been active in the discussion of waste management in this area ever since. It has been a frustrating time.

There is still no dump in Glenburnie, nor is there a decision not to build a dump in Glenburnie, because there

is still no approved waste management master plan for the area. Such a plan is at least six months away and new facilities are still years away. We hope there will never be a dump in Glenburnie. We also hope that no other community will have to accept our garbage. Most of all, we hope that we never again have to go through such a bizarre planning process.

Our association has had more experience with the Environmental Assessment Act than we would like. It is a flawed process, but some parts are worth preserving. The Kingston master plan began by looking for a new dump and nothing more, but the EAA requires a search for alternatives and public consultation. Both requirements have been instrumental in creating a set of circumstances in which we will have an aggressive waste diversion program long before we have a new dump.

The essence of EAA is transparency, openness and public participation. EAA requires that anyone making a proposal be able to go before a board to justify both the planning process and the need for the proposed facility. All of these principles are endangered by Bill 143.

Bill 143 will be known as the Waste Management Act, 1991. The title implies that the government has asked for all the legislative authority it needs to get on with its attack on the garbage crisis. I hope that that impression is wrong.

This bill identifies two problems: finding a hole in the ground in which to hide Toronto's garbage and allowing the government to implement its waste reduction initiatives. Both tasks may or may not be necessary. On the limited information available about the government's waste management strategy, there is no way of knowing. One thing is sure: A comprehensive approach to the province's garbage problem would not be so limited in scope or imagination.

The implicit principles, if we can call them that, underlying the bill are that this government knows best that existing legislation is flawed and thus that the government needs more power to get on with the job. We are not told what the flaws are or why the legislation cannot be improved instead of being undermined in this way. It is hard to know why an NDP government thinks that power should be taken from ordinary people and given to Queen's Park.

When we wrote to the Premier about this bill on the basis of a quick first impression, we were principally concerned about the effects of part III on the transparency, consultation and fairness of the existing environmental assessment system. Let me give you some examples of the flaws we see in this bill.

In section 13, the minister will be able to tell the corporation how much waste will be generated in the service area. The corporation will then be required to use that data. There is no place here for a public discussion of the assumptions upon which planning will proceed and presumably little place for an EAA review to question those assumptions. In our experience with the environmental review process, such public examination of official assumptions is essential.

In section 14, no alternatives other than the ones specified by the act are to be considered, whatever the requirements of

the EAA might otherwise have been. What we have learned in Kingston is that circumstances change and the people in Queen's Park do not always know what innovative solutions are possible.

This provision of Bill 143 undermines the EAA requirement to show that the solution proposed is the best available in the circumstances. It goes farther by saying that incineration need not be considered. "Incineration" is an out-of-date word, one that should not be enshrined in the legislation. There are now a host of rapidly evolving combustion technologies designed to recycle or recover the energy in garbage. Why is none to be considered?

1450

The simple answer is that the minister has issued a press release banning what she calls incineration. Since that brief press release nearly a year ago, no background studies have been released and no consultations have been held. No legislation has been introduced to give legal effect to the ban. If the ban was now a matter of law, not press release, section 14 of Bill 143 would not be necessary, which makes us wonder if the policy will ever be given general legal effect.

So the simple answer will not do. The fact is, we have no way of knowing why incineration is not to be considered. This back-door approach to regulation should be dropped. Instead, Ontario should follow the example of the UK, where a royal commission on environmental pollution is doing special studies on energy recovery technologies. Only when we have real information should there be specific legislation introduced to give proper effect to whatever general policy then seems appropriate on this important issue.

Section 15 of Bill 143 says that the minister can make policies. The meaning of the term is undefined. Perhaps she will issue more press releases, which will then have standing under the EAA. Subsection 17(7) and section 18 taken together seem to make the EAA irrelevant anyway since the director can do whatever seems appropriate in the public interest without need of messy details like review under the EAA.

Kingston and Kingston township have expended much time, effort and money trying to find a new landfill site. We have been required to look only within Kingston township, which means that any new dump will be close to existing communities. The people who might be affected have been told that they will never have to accept garbage from outside the communities that have participated in the study.

Now look at section 26 of Bill 143, which amends section 29 of the Environmental Protection Act. This provision would allow the government to order a municipality to accept garbage from elsewhere. Such an order may be in the public interest—whatever that means in this context—but were such an order to be made here in Kingston, which Bill 143 would allow, it would make a mockery of the whole planning process that we have been through.

"Mockery" is too mild or polite a word to use for the other provisions of Bill 143 that would allow bureaucrats to tell elected municipal politicians near Toronto that their

local plans, contracts and laws are superseded by the decisions of bureaucrats with regard to Toronto's garbage.

Why is this assault on common sense happening? Why are existing environmental assessment procedures too onerous for Toronto? Why is this retreat from democratic participation being proposed? We can try to imagine the answer. "The greater Toronto area is in crisis," it will be said. "In an emergency, corners must be cut. This is war."

Such reasoning cannot stand the light of day. If the minister believed there was a real crisis, she would have allowed the Kirkland Lake idea to proceed as an interim measure. Kingston faced a genuine crisis when our dump closed nearly a year ago, and we are now trucking our garbage to Ottawa at exorbitant cost. Neither Kingston nor Ottawa is happy with this interim solution, but we had no other options.

In forcing Kingston into an emergency transport option while denying Toronto the right to transport garbage to Kirkland Lake, the minister implied that Toronto was not in crisis, that there was time available, and that there was no need to trash environmental principles in the search for a quick fix.

If Toronto is not in crisis, perhaps the minister believes that the environmental assessment process is in crisis. Those of us who have lived through the long, agonizing planning process in Kingston might agree. People all over the province struggling to draft master plans under these rules might also agree, but the part of the system that is in crisis is not the principle of open, transparent consultation. The problem is procedures which constantly change. The problem is a process that is arbitrary, confusing, time-consuming and expensive. The problem is a process that does not provide a provincial overview into which local plans must fit.

The city of Kingston, like Toronto, cannot keep its garbage within its municipal limits. The questions then become not whether it will be transported but where it will be taken and with what justification. In the absence of a provincial master plan, the answers to these questions are unsatisfactory.

The government recognizes how hard it would be to resolve the GTA's situation in a timely fashion under existing law, but this bill simply compounds the problem. Instead of fixing the system, it will make it even more arbitrary and fragmented. Moreover, if it is agreed that the existing process is bad for Toronto, then it is surely bad for the rest of the province. We would hate to see the system fixed by having the lack of principles in this bill generalized to the rest of us.

The government has been unable to articulate a clear strategy for waste management. Some bits of a policy, like the ban on incineration, have been delivered from on high without consultation or explanation. Rumours have reached Kingston that Toronto environmental groups have been consulted on other bits of the policy, but nobody has seen a comprehensive strategy.

The drafting of this bill, the Waste Management Act, 1991, implies that the minister has a grip on the problem and that this bill is the solution. "First we control packaging;



then we find a good piece of prime farm land for a new dump." It just will not do any more.

The GRA has three recommendations for this committee, all of which proceed from the premise that Toronto may be bigger but that its problems are otherwise not unlike those facing other communities in Ontario.

1. We need a royal commission on garbage to inquire into a waste management master plan for the whole province, having regard to the need to reduce waste of all kinds throughout society while disposing of garbage with least harm to the environment and with most benefit for our troubled economy. There is a great deal of good work being done on the garbage crisis, both in and out of the government. A royal commission would allow all of this work to be pulled together in one place. Only then can the public make sense of the government's legislative agenda. Rather than sweeping it under the carpet, the aim of this royal commission should be to bring it out in the open as quickly as possible, so that our province can make informed choices.

2. The result of such a public process should be a comprehensive waste management act for the province. Bill 143 is so flawed that it should be scrapped. We do not need a series of piecemeal acts, we do not want a series of Band-Aids to deal with one local crisis after another, and we certainly do not need to give more power to bureaucrats.

3. If there is a real emergency in Toronto, then pragmatic solutions must be found. As an interim measure Toronto should be allowed to consider the shipment of garbage to Kirkland Lake while awaiting a new province-wide master plan.

Thank you again for taking the trouble to come to Kingston. This kind of public participation in the process is the essential component that is undermined by Bill 143. We would be happy to answer your questions.

**The Chair:** Thank you very much for an excellent brief. I would like to call first Ms Haeck. Question? I am going to ask that you keep the questions very short. We have five minutes in total, so I am going to be firm.

**Ms Haeck:** Thank you for your brief. I am going to raise an issue which you raise on page 2, which relates to incineration. Obviously as a committee we have been hearing from a wide range of groups, people who live with incinerators in their backyards.

I have here a copy of an article brought to our attention yesterday by a public health nurse which outlines the hazards of incineration. I am wondering what kind of technical data you have that supports the use of incinerators. Would you like it in Glenburnie?

**Mr MacPherson:** There are multiple questions there. The fact is that we are not a professional research organization. We do not have those kinds of resources. We have done a lot of review of what is available in the field. We, too, are opposed to incinerators like Commissioners Street and anything else that I think most people have in mind when they talk about incineration.

Unfortunately, that happens to be a rather inclusive term that covers a whole range of other alternatives such as refuse-derived fuel, which does not add to the net

amount of combustion going on in the province; rather it provides an alternative fuel source to existing processes. Those are the kinds of considerations that should be made and evaluated in comparison with other alternatives for selective components of the waste stream.

**Mr McClelland:** I think you had a couple of very important points: that the two problems of waste management and waste reduction are two separate issues and ought to be dealt with as such, and not to try to confuse the issue by rolling it into them and saying that dealing with waste reduction therefore justifies a misapplied and, quite frankly, terribly mixed-up approach to waste management.

You talked about discussion. On your compliment at the end for having this process, this process was not accepted very happily by the government, and I want you to know that.

The EA process is flawed. We recognize that. In terms of fixing that, as a solution rather than wiping out every kind of public participation in acts that have been there for people, how would you like to see the scheme of legislative environmental law we have while at the same time maintaining those principles in a workable fashion?

**Mr MacPherson:** First of all, we would like to see, as we mentioned in this report, a royal commission that would really serve two purposes. One is to bring together a range of knowledge on the subject. The second point is to arrive at a public consensus on what the right way to go is. Environmental issues are not purely the jurisdiction of the environmentalists. There are a lot of other issues to be considered.

**The Chair:** Thank you very much. I appreciate your presentation and I know I speak for all the members of the committee when we say how much we appreciate you coming before us today.

1500

#### STORRINGTON COMMITTEE AGAINST TRASH

**The Chair:** I would like to call next the Storrington Committee Against Trash. Please come forward. Begin by introducing yourselves. You have 20 minutes in total for your presentation. We hope you will leave a few minutes for questions from committee members. Please begin your presentation now.

**Mrs Fletcher:** My name is Janet Fletcher. This is George Luck, the chairman of our committee. The Storrington Committee Against Trash welcomes the opportunity to comment on the proposed Waste Management Act, Bill 143. We are an environmental group concerned with waste disposal and resulting pollution of the natural environment, specifically the Rideau Canal. We are currently involved in the environmental assessment process regarding a proposal by Laidlaw Waste Systems to expand its Storrington site north of Kingston, which was closed in April 1991.

We would first like to commend the Minister of the Environment, the Honourable Ruth Grier, for having the courage to propose such a bill. As in all matters human, the proposal is not altogether perfect; however, we view this bill as a first positive step in reversing our current trends

towards destruction of our environment. It is unfortunate that these changes must be forced through legislation.

We have no specific comments to make regarding part I of the act, since it is necessary in order to accomplish part II. With regard to part II, generally speaking, municipalities in Ontario do not appear to be very successful in carrying out proper planning in a reasonable length of time with regard to their waste management needs. As landfills across the province close for one reason or another, it has become the practice for many of our municipalities to find an active landfill in another municipality and ship their waste there until that site is closed, and so on. For example, the town of Cobourg now transports its waste to a site in Napanee. The city of Kingston and Kingston township, along with several other users, found it necessary to transport their waste first to Storrington and subsequently to Ottawa as a result of closure of landfills.

The Kingston-Kingston township joint waste management master plan has been under way for over eight years and does not appear likely to reach the hearing stage by the time their agreement expires with Ottawa. This may result in a situation where yet another municipality may be forced to take its waste, that Ottawa may be forced to extend its agreement, that the Richmond township site may be expanded, or that the Storrington township site may be reopened or expanded, all without benefit of proper environmental assessments and public hearings. Where does this stop? What can be done to convince municipalities that they must seriously address the issue of waste management?

In the past the Ministry of the Environment has not contributed positively to the development of waste management master plans. Meaningful assistance must be provided to municipalities which are going through this long and involved process. In addition, deadlines and penalties must be established throughout this planning process to prevent lengthy delays and manipulation.

Storrington township council has declined to participate in the Kingston-Kingston township waste management master plan and has recently stated it does not intend to develop its own waste management master plan because of the cost involved. We are aware that the Ontario government is planning to streamline the master planning process. It is our hope that our township will take advantage of any new process to develop a complete waste management strategy for our community that does not include burdening another municipality with our waste. It is our deep and strong conviction that each and every municipality must take responsibility for waste management within its own boundaries.

If Toronto's waste, or any other municipality's waste for that matter, is allowed to be transported to Kirkland Lake or Storrington or Ottawa or any other municipality in or outside of Ontario, when and how will the municipality learn to deal with the wealth of waste being produced in its community? If you are not allowed to send your problems to another location, you are forced to confront them and find a solution.

Although this act respects the management of greater Toronto area waste, it may set a precedent for the whole of

Ontario. In order to protect the public and the environment, we feel it is absolutely necessary that the minister designate the search for and assessments of these sites under the Environmental Assessment Act and make public hearings an absolute requirement.

With regard to part III, we support the minister's motives for proposing this act. However, there should be some tempering with regard to the sweeping emergency powers available through this change in legislation and the precedents being set.

The Storrington dump, a site which has environmental problems we hope to have addressed through Environmental Assessment Board hearings later this year, was twice forced open through the issuance of emergency certificates. These actions were taken without just cause and in flagrant disregard for the intent of section 31 of the Environmental Protection Act. The Ontario Ombudsman is currently investigating the validity of these actions under the law. Indeed, in the past, many other communities have had to suffer through the same abuse of power. There must be some mechanism in place whereby the concerned citizens of Ontario have the right to provide input to decisions which will impact their lives. Citizens must be granted the same rights as proponents. Current legislation under section 31 allows only the proponent to input to or appeal decisions. We suggest section 31 of the Environmental Protection Act be amended to allow for equal rights for impacted citizens and also to avoid constitutional challenges.

If residents living in the immediate vicinity of the Keele Valley or Britannia sites have environmental concerns about those sites, their concerns must be addressed prior to approving lifts. Further, we recommend that heavy fines be imposed on the users for each day Keele Valley and Britannia have to remain active. This will be an incentive for the users to locate new suitable sites in a proper and timely fashion. Perhaps the funds collected through this means could be used to support and enhance 3Rs programs in Ontario.

With regard to part IV, we would like decision-making with regard to this act to be the absolute responsibility of the minister and not delegated to a director. We commend the minister's introduction of legislation to control packaging. Change is never easy, regardless of motive. We believe that this type of action, taken now, will in the long run result in a positive change for all of Ontario. There is no doubt that some suffering will take place during this period of change; however, we believe it will be for the short term only. Although jobs or businesses may be lost, new jobs and businesses will be created, requiring new skills, which may also bring about an upswing in our economy.

To continue along the road we have followed for the past 40-odd years is unconscionable. There is really no place in our society for excess packaging such as bubble packs and tetra packs, disposables and other items that pose waste management problems. We have sacrificed our environment for the sake of convenience and profit margins and in the bargain have lost our sense of community, our ability to face the challenge and our sense of responsibility to our fellow man and the natural environment around us. We have taken the health of our environment for granted,



and this cannot go on for much longer without serious repercussions.

This act will give the minister the authority to require 3Rs programs in larger municipalities. We are especially pleased by the inclusion of the industrial, commercial and institutional sector. Since the ICI sector is responsible for a large portion of the waste generated, its inclusion in 3Rs programs is essential. While recycling and reuse are positive methods, reduction of waste at the source is really the key.

Incineration is not a solution to the problem. In addition to encouraging wasteful habits, or the "Who cares how much waste we create when we can burn it all up?" syndrome, we have concerns about the integrity of the operators of such incinerators. Cost effectiveness would certainly be a consideration, and in the end the environment would once again be sacrificed for the sake of dollars. We therefore support the minister's ban on incineration.

Banning of items from landfill is not a solution to the problem. This simply means the waste must go somewhere else, likely to a site where such a ban is not in place. If we do not produce wasteful products in the first instance, we will not have to deal with them later as waste management problems. Our need for landfill or incineration or any other waste disposal technology is dictated by our creation of waste. A change in our habits is really what is required, and we respectfully submit that Bill 143 will help us to achieve this.

We hope that the honourable minister will give serious consideration to our suggested amendments to this bill. We are confident that the minister will continue her policy of public consultation on waste management issues, and we are confident that if problems arise as a result of this new legislation, the necessary steps to ensure a satisfactory resolution will be taken.

Thank you for the opportunity to comment.

1510

**The Vice-Chair:** Thank you very much for a well-thought-out brief. Mr Daigeler, you are first for questions.

**Mr Daigeler:** Thank you very much. Your brief is indeed very clear as to its views on the minister's project, and I thank you for that, because sometimes it is difficult to establish precisely on what side the presenter is.

You mentioned that your own township council has declined to participate in the Kingston township waste management master plan, and you criticize that. Why did your councillors take a different position?

**Mrs Fletcher:** I believe initially they did not want to take part in the master plan because we had our own facility in the township. I do not think they had the foresight to realize that the site was going to be filled as quickly as it was because we took on the major generation of waste from Kingston and Kingston township, which shortened the life of the site. I also believe there may have been a cost involvement there as well.

We have a new council, elected last year, which has a different view of waste management needs in the township, and we believe we may be successful in lobbying it to produce its own master plan. We would like to see the

garbage that we create in our township stay in our township. We do not necessarily want the council to be part of the joint plan.

**Mr Daigeler:** But the decision has not yet been changed?

**Mrs Fletcher:** No. At the moment our waste is going to Ottawa, along with Kingston's and Kingston township's waste.

**Mr J. Wilson:** A very good submission, Janet, and a good coverage, I think, of the issue here locally as well as how Bill 143 affects it.

I am just wondering, with your experience with this, whether you see some development of the ideas you are proposing; that is, people should become more aware of the problems with disposing of waste, which should be dealt with locally, but the first step is to reduce the amount of waste. Do you feel you have more support for those ideas in the time that you have worked on this issue?

**Mrs Fletcher:** I believe that since the issue of the Storrington dump started four years ago, there has been a tremendous raising of the consciousness in this area about problems with landfill sites, in particular old sites like Storrington, and what damage they can do to the environment.

In addition to that, the waste crisis has drawn people's attention to waste reduction issues. Unfortunately, they are being allowed to send their garbage elsewhere and are not really being charged an exorbitant sum of money for this, although they say they are. I personally feel that tipping fees are too low. I believe higher tipping fees are necessary to encourage people to really look at what they are doing with waste, which is the reason I like this bill. It hits the main generator of a lot of this waste, which is the manufacturer.

I believe that if waste is kept in a community and people are charged a lot of money to dispose of it, they will do something positive about it. It is unfortunate it has to happen that way. I would rather see people come to it on their own, without being forced into it financially or through legislation, but that is just not the way it works in most cases.

**Mr J. Wilson:** How do you deal with the NIMBY factor, because often when people oppose—

**Mrs Fletcher:** I ignore NIMBYs.

**Mr J. Wilson:** Is that the best way, or do you think there are other ways around it?

**Mrs Fletcher:** You cannot convince people who are going along that track that there are other things in the world besides whether it is in their backyard. Storrington dump is in my backyard and I never worried about that until I discovered the problems that were going on with it. We live within a kilometre of the site. We bought our property after the site was in operation for 20 years and did not give it a second thought. So that does not enter into my mind; the fact that it is in my backyard does not mean anything to me. The fact that it is leaking and possibly contaminating the environment is something I am concerned about. I just cannot discuss it with someone whose only feeling is that they do not want it in their backyard.

**Mr J. Wilson:** So you hope there will be more reason—

**Mrs Fletcher:** I hope that consciousness changes to a more realistic view of things.

**Mr J. Wilson:** And you see Bill 143 as helping in this process?

**Mrs Fletcher:** I believe it will.

**Mr Jackson:** Just briefly, you made some commentary about incineration, and you had come to some conclusions. I think it would be fair to ask the same question the government has been asking: What technical data do you base your information on?

I have a second question to do with the notion of higher tipping fees, and one of the options that may be available to your community will be to ship to the United States.

**Mrs Fletcher:** I do not agree with that.

**Mr Jackson:** I know you do not agree with it, but it is an option that is there and that could be utilized if all other efforts failed. We have heard that Kingston, and I presume Kingston township and other areas, may be in a similar position, and those tipping fees will be rather expensive. That might achieve a positive end, in your view?

**Mrs Fletcher:** It might, but I would rather not see it shipped to another community. I think you should look after what you generate. I do not think you should shove it on to somebody else to deal with.

**Mr Jackson:** I am from Halton. We have no other option.

**Mrs Fletcher:** I know.

**Mr Jackson:** We have spent \$40 million and still do not have a site. We are shipping to the US and paying a fortune. And we have excellent recycling and reuse programs.

**Mrs Fletcher:** Do you think that is a problem of where to put it or do you think that is a problem of planning?

**Mr Jackson:** I do not think you can indict our council for planning.

**Mrs Fletcher:** I do not know your situation; I am not criticizing.

**Mr Jackson:** No, that is fine. We had some government interventions by previous governments that threw us off track. I think one of the previous deputants you heard referred to the changing of the rules in midstream, and Halton really got caught badly in that regard. That is why we now have an exemption. That is why we will be treated differently, because we are leading edge, but we are not so sure in Halton once Bill 143 goes through. But I appreciated your comments very much.

**Mr Luck:** If I may just say something, I think you reinforce Jan's point in that without the extremely high tipping fee you say you are paying now, you probably would not have an efficient recycling program. I think the same can be said of this municipality. If they were still dumping for next to nothing in Storrington township, there would be no recycling in Kingston or Kingston township.

**Mrs Fletcher:** I might point out that the tipping fee at Storrington, I believe, was \$25 to \$35 a tonne, which is a pittance and does not reflect the waste problems going on and does not provide any incentive for anybody to reduce the waste stream. The reason they are howling and screaming so much about it is because it went to \$120 a tonne to go to Ottawa. But what they do not seem to realize is that they are still getting a deal on that, and they are not really working on the master plan to complete it earlier. I heard the city of Kingston's position on this matter and they referred to a 10-year extension to their master plan and faulted the government for this. I happen to know the background on this and know that it was not the government at fault here; it was the consultants to the master plan who took it upon themselves to revamp their scheduling based on a paper presented by someone in the approvals office, but it had nothing to do with government policy or government discussions going on about the master plan.

I think it is more a problem of the recession and how it is hitting the pockets of the consultants than a policy of government interfering here.

**The Vice-Chair:** Thank you very much. Mr Daigeler, you had another question?

**Mr Daigeler:** If I have some time, yes. I must say that your brief strikes me as expressing a broad concern about how to reduce waste and how we can be a more responsible society with regard to the use of our resources, and I certainly support that very much.

Perhaps I am wrong in my feeling, and you can just dispel that uneasy feeling. What is the origin of your own committee? I see you wearing these buttons. Usually when people wear buttons, frankly, they are a one-issue group and they are very intent on one particular item, and they are usually against one particular thing.

**Mrs Fletcher:** I think the name of the group says it all.

**Mr Daigeler:** I saw—if I could just finish it—at the beginning of your brief that you say that you are against the expansion of the Storrington dump site.

**Mrs Fletcher:** Well, that is not true.

**Mr Daigeler:** Is that the origin or is that still the main purpose of your group, or what is your group itself?

**Mrs Fletcher:** The group name is Storrington Committee Against Trash, and that is where we are at. At this particular moment in time we are concerned about pollution of the Rideau Canal. We are not opposed to an expansion of the Storrington site if it can be proven that it can be made safe and operated safely without contaminating the canal or the surrounding drinking water of people who live near it.

As we have said time and again to the municipalities that have used the site, we have no problem with the site reopening if it can be proved safe, if it can be operated safely. They have not demonstrated that to me yet, but we have not been through the environmental assessment hearing process to hear all the evidence.

On other matters, we are concerned about the site that the master plan wants to be put in Glenburnie, also on the Rideau canal. That will make three sites in a very close



proximity along the Rideau canal, because we also have the Kingston dump on the canal. It is at one end, Storrington is at the other end and the proposed site is in Glenburnie. It crosses a number of rivers and streams, runs 100 metres from the Rideau canal for quite a distance and is the preferred site for the master plan.

We are concerned about it because there is no technology available that can prevent a landfill from leaking eventually. You can keep it from leaking for a certain period of time but you cannot keep it from leaking forever, so why put it near a body of water and near residential wells? I would rather see these sites located in an industrial park, on a sewer system, away from residential wells, away from bodies of water.

As far as the waste reduction aspect of it is concerned, and why we are concerned with this bill, we are concerned about what people are throwing out because it is going to go into our dump if it is reopened. It has gone into our dump in the past. We would like to see most of that diverted and removed, and people changing their habits is a big part of that.

**The Vice-Chair:** Thank you very much. Your input is appreciated very much, but now I would like to call on the Eastern Ontario Public Participation Committee, if it is here. They have not reported to the clerk.

1520

#### ONTARIO WASTE MANAGEMENT ASSOCIATION

**The Vice-Chair:** Since we have had a cancellation, I would like to ask Richard Rohmer QC, the solicitor for the Ontario Waste Management Association, to come forward, please. Identify yourself and your associate for the purposes of Hansard, please. You have 20 minutes to make your presentation, and we would appreciate some time towards the end for questioning by members of the committee.

**Mr Rohmer:** My name is Richard Rohmer. I am before you today in my capacity as general counsel for the Ontario Waste Management Association, and with me is Mr Carl Lorusso, the president of the association. Mr Lorusso is vice-president of Wasteco, a major Toronto-based company involved in waste handling and recycling, ICI, residential haulage and other services. He is the expert for you.

I reside in the great four-season town of Collingwood—I am not here to sell it, but I want to mention it—where I actively participate in the blue box program and make regular garbage donations to the efficient A. Judges and Son Ltd of Collingwood, which carries out, for and on behalf of our municipality—it is a member of our association—the collection of residential, industrial, commercial and institutional waste and conducts landfill and recycling operations. Like so many of OWMA's more than 300 members, the Judges, as private enterprise, have a vital and increasingly important role in waste management in a local Ontario municipality.

One other point: Two years ago I singlehandedly, with the persistent, upfront pressure of one of the Ministry of the Environment's able officers at Barrie, succeeded in having the town of Collingwood's ancient, high-polluting incinerator put to its final rest. I will not give you my

opinion on incineration; I have not got any technical information with me.

Having identified with the ecosystem, the preservation of the environment and the 3R principles that will move Ontario into being a conservator society, the reason I am here before you in the dog days of this committee's hearings is to deal with the questions that were put on the record after the able presentation to you of the association's director, Jim Temple, on January 22, 1992.

Mr Temple clearly enunciated the concern—he called it “paranoia”—of the Ontario Waste Management Association that, “As far as this legislation is concerned”—Bill 143—“the existing private waste management industry simply does not exist.” He said: “To put it bluntly, does [the government] intend to use the legislation to compel the municipalities to set up municipally owned and operated recycling facilities with all their attendant flow control and price control regulations? Such an initiative would devastate a flourishing private sector and create an unnecessary burden on the taxpayer.”

Add to Mr Temple's reference to recycling all the other functions carried out by our members for and within their constituent municipalities, both inside and outside the main object of the minister's much-loved focus, the greater Toronto area.

Mr McLean, who was sitting at the time, and others expressed concern about the position of the private sector, but it was Mr Martin who put the question on the record that Mr Lorusso and I want to answer. Mr Martin's question was, “What role does the private sector see itself playing in the management of waste?”

Before answering that basic question, let me give you a few words from Minister Grier when she was responding to questions put to her at the opening of this committee's hearings on Monday, January 20, 1992. Mr McClelland had raised the matter of the total lack of reference to the private sector in Bill 143 and earlier statements by the minister that indicated that all waste management should be handled by the public sector. Do you remember doing that, Mr McClelland?

The minister gave Mr McClelland words that began to ease the Waste Management Association's pain of paranoia, but by no means cured it. The cure, if any, is in the gentle hands of this committee. The minister said: “I see a very real role for the private sector in continuing to run and operate a lot of the recycling facilities that exist in this province. I know there are some municipalities where the private sector still controls the disposal as well as the infrastructure.”

What role does the private sector see itself playing in the management of waste? Let me start to answer that question by painting a picture of the scene in Ontario if we were required by the decree of this minister, or by the minister's director under Bill 143, to shut down all our waste management operations tomorrow. The picture would be of total social chaos in the greater Toronto area and in scores of municipalities from one end of Ontario to the other.

In the GTA, the contentious landfill sites of Britannia and Keele Valley would receive no refuse from the hundreds

of apartment buildings and offices, institutions and industrial and commercial operations that rely totally on the services of our members for daily pickups. The townships, villages and towns and cities of Ontario—scores of them—that rely on private sector operators like the Judges would have to buy and operate hundreds of the massive specialized vehicles our members use in the service of the public. All recycling plants in Ontario—all of them—would be shut down and nothing would be in their place.

The role of the private sector in waste management is to provide a service to the public, either directly or through a contracting municipality, whereby any and every type of solid or liquid waste is collected, disposed, recycled and/or reused. In the GTA, the private sector does not operate the existing landfill sites, but its role is to collect and transport, even across artificial political boundaries, waste to those landfill sites and waste for recycling to the privately owned plants in the GTA.

Its role is to recycle waste, sell the recycled products and materials for reuse and transport those products and materials to market in or outside political boundaries. The role of the private sector in waste management is to augment the services to the public that are provided by regional and local governments in the GTA and to provide to municipal governments, both within and outside the GTA, a full range of waste management services.

The role of the private sector in waste management is to operate and conduct business in accordance with the legislation and rules and regulations laid down by the government of Ontario under the provisions of the Environmental Protection Act, the Environmental Assessment Act and Bill 143, when it is finally enacted and the regulations made under it are in effect.

Mrs Mathysen, I apologize to you for the way I have spelled your name. Please forgive me. Mrs Mathysen put on the record the question, "Would clear rules, regulations and waste management objectives in terms of reduction not help your industry to do its job in fulfilling the needs of society in meeting those demands?" That was the question you put.

The association's answer to that question, which is a very valid question, is yes, the role of the provincial government in waste management is to set policies, rules and regulations. It is the role of the private sector waste management firms to carry out those directives in concert with municipalities and with other users of the services of the private sector.

1530

Now to the ultimate question, as posed by Mr Lessard from the Windsor area. He asked Mr Temple "to provide the committee with...amendments that he"—that is, the OWMA—"would like to see in Bill 143 that would provide some assurance to private industry that they do have a role in waste management...in Ontario." That was your question. The association is pleased to have the opportunity to answer that question.

To provide assurance to private industry in the business of waste management, the Ontario Waste Management Association offers the following amendments to Bill 143,

as listed in schedule A. I will just turn to that, to get through it fairly quickly. It is straightforward.

First is a preamble to the act in these or similar words, "The purpose of this act is to ensure that waste management and disposal in Ontario is based upon a clear and cost-effective approval process where waste is reduced, reused or recycled using the facilities and services of the both the public and private sectors," a broad statement.

Second, add an additional section at the end of part II in these or similar words, "Nothing in this or any other part of this act shall preclude any municipality from carrying out and discharging its responsibilities under this act or the Environmental Protection Act, as amended, through contracting with private sector corporations."

Third, amend subclause 14(1)(a)(iii) by adding the words "whether public or private" after the word "sites" so that the same shall read, "(iii) use of other single landfill waste disposal sites, whether public or private, in the primary service area."

How is my time doing, Madam Chair?

**The Chair:** There are approximately 11 minutes remaining.

**Mr Rohmer:** Oh my gracious, that is great.

Fourth, amend clause 14(2)(a) by adding these words "other than products and material derived from recycling" after the words "transportation of waste" so that the same shall read, "(a) an alternative of waste reduction or reuse or recycling if that alternative would involve incineration of waste or the transportation of waste, other than products and material derived from recycling, from the primary service area to any other area." There is a difference between the commodities.

Fifth, amend clause 14(2)(b) by adding the words "whether public or private" after the first word "site" so that the same shall read, "(b) an alternative of some other single landfill waste disposal site, whether public or private."

Sixth, amend section 15 by adding the words "after consultation with the public and private sectors" after the word "may." We have noted that the minister is very keen on public consultation. That would provide these words: "The Minister of the Environment may, after consultation with the public and private sectors, establish policies for the purposes of this part."

Seventh, amend subsections 17(1), 17(2) and 17(3) by the deletion of the words therein "shall establish, maintain and operate" and the substitution therefor of the words "shall ensure the establishment, maintenance and operation," so that the obligation of the municipality to perform can indeed be shared with the private sector. Otherwise the legislation directs the municipality and gives no flexibility.

Eighth, amend subsection 17(4) by deleting the word "comply" and substituting therefor the words "ensure compliance" and by adding after the words "require the municipality" the words "with the participation of the private sector where appropriate" so that the same shall read, "(4) A region or metropolitan municipality shall ensure compliance with this section even if to do so would require that the municipality use the participation of the private sector where the municipality deems it appropriate."



Ninth, amend section 24 by amending the proposed clause 24(e)(i) of the Environmental Protection Act by the deletion of the words "transferred, treated or processed" and substituting therefor the words "or transferred except when transferred for the purpose of recycling treatment or processing" so that the subclause would read:

"(e) 'waste disposal site' means

"(i) any land upon, into, in, or through which, or building or structure in which, waste is deposited, disposed of, handled, stored or transferred, except when transferred for the purpose of recycling, treatment and processing."

Amend section 24 by amending the proposed clause 24(f) of the Environmental Protection Act by the deletion of the words "any arrangements"—these are very vague words—so that the clause will read: "'Waste management system' means any facilities or equipment used in, and operations carried out for, the collection, handling, transportation, storage, processing or disposal of waste, and may include one or more waste disposal sites."

This is the last of them. Amend section 26 by amending the proposed new subsection 29(1) of the Environmental Protection Act by adding after the words "order" the words "with the participation of the private sector where the municipality deems it appropriate" so that the section will read: "29(1) If the minister considers it advisable in the public interest, he or she may order a municipality, within such time as is specified in the order, and with the participation of the private sector where the municipality deems it appropriate,..."

Mr Lorusso and I are pleased to have the opportunity to be here and to make this presentation to you in answer to the questions that were raised to Mr Temple.

**The Chair:** Thank you very much for your presentation. With five minutes remaining, I am going to be very firm in question rotation.

**Mr Jackson:** I am very supportive of the comments you raised. I come from a community that contracts out its garbage collection at great savings to the taxpayers and the avoidance of very messy garbage strikes. I am looking at Hansard of 27 January for this committee. I am quite appalled by the presentation by CUPE. I am sure you are familiar with that. This would cause me concern, and I would like you to comment whether you are nervous that if these amendments are not considered by the government—certainly we are on record as supporting them—what do you feel would be the impact to your industry, the number of people you currently employ and the services you provide in this province? What will be the effect on this province if CUPE's vision of removing you completely from this province—would you comment on that for us?

**Mr Lorusso:** I think we have to look at what they said that day, and I believe they said they would be creating an additional 2,000 jobs to handle the private sector's waste; quite frankly, we may be able to do it with 1,000. It would be devastating for the private waste management companies. We work in the private sector on controlling our costs at our productivity levels, and that is how our success rate is achieved—and by winning different tenders, even between the private companies. If one company specialized

in, perhaps, residential collection, and it wins a tender, which is an open tender and the prices are shown and the productivity levels are basically shown, it has won it on those grounds. I think it would be unfair to the taxpayers to have to pay additional costs related to maybe less productive sources removing their waste.

**Mr McClelland:** In light of the proposals you put forward for amendment, hopefully they will be considered and, I would hope, not only considered but brought forward and incorporated as part of the bill if indeed it should be pushed through to third reading. Given that possibility, would you then be in a position to perhaps respond with respect to the potential for investment that I think I heard some of your members say is in jeopardy in terms of—

**The Chair:** Question?

**Mr McClelland:** —the tremendous amount of infrastructure investment that your members are prepared to invest in Ontario? Are we in much better shape if we get these amendments? Can we have some hope that maybe you would be prepared to go ahead and basically stay in the province?

**Mr Lorusso:** If we have those amendments, I can guarantee you the continued support by the private waste management sector in expanding and very quickly assisting the province of Ontario in finding new methods of recycling and reduction. We are the experts. We do have the experience, and we want to share those experiences with the province of Ontario.

**Mr Rohmer:** I would invite Mr Lorusso just to tell his own experience of last year. Pardon?

**Mr McClelland:** What is the flip side if the amendments are not here?

**Mr Rohmer:** The flip side? Disaster. We are out of business, in point of fact, because you will then require—the government will require—all the municipalities under this legislation to carry out their own waste management on the whole program. We are gone, we are history, the way this is worded at the moment.

**The Chair:** Question. Mr Lessard.

**Mr Lessard:** Mr Rohmer, I can see your university education has served you well in your current role, even though it was Assumption College at the time you were there.

**Mr Rohmer:** I was there much after that, Mr Lessard.

**Mr Lessard:** I realize that as well, but not as a student. I want to thank you for the recommendations you have made for amendments. I think one thing we have learned as a result, as legislators is, never to lose sight of the healthy sense of paranoia that the private sector has towards the government.

I wanted to ask you about your role in shutting down the incinerator in Collingwood and why you became involved in that.

**Mr Rohmer:** Oh, it is very simple. I am an entrepreneur, in addition to being a lawyer or whatever else I am at any given moment, and with a partner, I was attempting to get a plan of subdivision on a parcel of land of 53 units, 53 lots, and here was this great, pulsating, spewing incinerator;

they just brought in stuff from all over Collingwood in bags and threw it into a gas-generated burner and it just generated. My property was next door. Terrible. My role was to work to get it shut down, and it is now a magnificent subdivision.

**The Chair:** Thank you very much for coming before the committee today, both to answer questions as well as make your presentation. I know you are aware that you can continue to communicate with this committee in writing through the clerk.

**Mr Rohmer:** Thank you, Madam Chair.

1540

#### EASTERN ONTARIO PUBLIC PARTICIPATION COMMITTEE

**The Chair:** I would like to call next Eastern Ontario Public Participation Committee. Would you begin your presentation, please, by introducing yourself. You have 20 minutes in total for your presentation and we would ask that you leave a few minutes for questions.

**Mr Cowley-Owen:** Thank you very much. My name is Michael Cowley-Owen. I am an independent public participant from the eastern Ontario region. I was involved with the Stormont-Glengarry waste management master plan. I am currently involved with an organization called the Eastern Ontario Public Participation Committee, which is an ad hoc group of participants in waste management plans across eastern Ontario.

My apologies for not being here at 3:20. As an independent, I am still running a 1986 car and it did not like the weather today, which brings me basically to the crux of the reason I am here today. I travelled here on my own time and at my own expense. There are few people, I think, around that can afford to do that too much these days.

If I look around a room such as this, or any other of the many meetings I have been to in the last four years since I got involved in waste management planning, there is—I hate to use the words “class difference” but there definitely is. There are people there that are paid to be there, engineers, consultants, politicians, lawyers, lobbyists, independent business people, and then there is the public which is, to some extent, a ragtag mob of people with different interests.

There is a problem, as I see it, with the recognition of that public component. We live in very tough economic times and I know there is a policy that public participants should not be reimbursed. Part of me understands that, but there is a part of me that does not. Public participation is very time-consuming. I am sure all the professionals in this business know how much time is involved; it is just as much time involved for the “amateurs.”

I like to tell the story that about two years ago my wife got really mad at me and said, “You’re spending all this time on this public participation business, you’re not spending any time at home.” I said, “No, you are imagining it,” but I thought, “Well, this is a serious allegation, I had better start keeping a time sheet as I do for all my other endeavours.” Believe it or not, I was putting 40 hours a month into waste management.

I am independent, I run my own business, I can afford to take a day off, but I am not sure my business can afford me to take a day off. My business stands to gain \$300 to \$500 a day by my working. I become a liability when I do not work, as my overhead still continues.

Apart from being dedicated, there are two types of people who can afford to be public participants: the unemployed and the self-employed. The unemployed may have the time but they do not necessarily have the resources. There are a lot of long-distance phone calls, particularly in a rural area, a lot of driving, a lot of meetings. In some cases there is a reimbursement, in some cases there is not. There is no policy on this. It depends entirely on the plan. It depends entirely on the politicians that happen to be in power for that three-year period. It depends on a lot of issues.

The reason I am here is to say there is obviously a need to encourage public participation but there is a fiscal problem with doing so. I want to put it to you, if public participants cannot be reimbursed, even with a small honorarium, a token of the hours they put in, then what recognition are they going to get from the system? Believe me, it is not a reward in itself. It is very frustrating, it can be very time-consuming and, frankly, I will be honest with you, when my car started to break down on the way here, part of me said: “Just pack up and go home. You have been banging your head against the wall and against the system for the last four years; they aren’t going to listen to you, they aren’t going to have any sensible suggestions; just go home and save your time.”

But I kept going and I am here, so I am putting the boot on the other foot. You tell me how you see the public—individuals, not the public as a mass, but individuals—being encouraged to stay the course, because the waste management master plan is minimally—in fact, no one knows what the short limit for a master plan is right now; none has gone less than four or five years, and a few have gone as long as 10. How do you maintain public interest over that length of time?

**The Chair:** Thank you very much for your presentation. We appreciate you coming before the committee today. First questioner is Ms Haack.

**Ms Haack:** One of the concerns you have raised relates to, let’s say, the costs of coming to a meeting like this. I know that in particular for groups wanting to make a presentation in Toronto there is a small pot of money for committees to delegate, so that if you could not have presented here but needed some subsidy to get to Toronto, there is a mechanism to consider that and possibly see some sort of compensation for the cost of the ticket or gas, whatever it might be. It is not a huge sum of money and, therefore, there is a limit on what kind of reimbursement can come.

I do not think that totally answers your question, and I guess one of the things you said when you started is also something which I think gives you a certain validity in coming before us: that you are not making any money from this; you are speaking as a private citizen who does not have a vested interest and, therefore, you are expressing a



personal concern, a very valid concern for your community in a way that, if someone is a paid lobbyist, may be somewhat more suspect.

**Mr Cowley-Owen:** If—

**The Chair:** Excuse me, I think it would be helpful just for me to correct the record. What Ms Haeck referred to is a small amount of assistance dollars that are available for all committees of the Legislature as a matter of policy. It is not only for people who want to go to Toronto, in order to access that, because the public should know it is a requirement that you have to apply to the clerk in advance and get approval, and then everything is on a receipt under the actual expense only. I think that is correct, is it not?

**Clerk of the Committee:** After the presentation.

**The Chair:** And it is reimbursement after the presentation. There is not a lot of money available to do that, but the purpose of it is to ensure that hardship and real need do not preclude participation of the public to these kinds of forums. I think your presentation went beyond that, through the course of work within municipalities, but I did want to clarify that for you as to how it worked with this committee.

**Mr Cowley-Owen:** I do understand that. It is not a personal issue. I came here because I wanted to, not because I wanted reimbursement. If it is for deserving causes, I will not be claiming it. I have no shortage of cash for gas.

**The Chair:** Question, Mr Jackson.

**Mr Jackson:** Madam Chair, I guess this is more to the clerk, because as a fellow Chair I am familiar with the processes; but to tie this back to a previous deputation's question about the five deputants before this committee, two of whom came from the US and were submitted by the government, the NDP, did we reimburse the expenses for those Americans to come up here in part or at all?

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**Clerk of the Committee:** The committee has not reimbursed anyone.

**Mr Jackson:** So there has been none for this. My second question then would be, being familiar with intervenor funding which was brought in, I believe, by the then Minister of the Environment, Andy Brandt, in the early to mid-1980s—1982, 1981, in there—can I ask the parliamentary assistant, is there any parallel mechanism under consideration which deals with the costs associated with public participation in developing these management plans? If so, is the direction to the municipalities to provide it, or is it something that the province is looking at in a regulatory framework? Mr O'Connor.

**Mr O'Connor:** It is something I am not aware of at this time. Perhaps I can refer that to Alex Giffen from the ministry.

**Mr Giffen:** If you are referring to the sites to be developed by the Interim Waste Authority, there will be a form of participant funding provided. The exact form has not been entirely worked out yet but yes, there is an intention to help. More basic, the proponent is looked to to provide for the intervenor funding, whether it be the In-

terim Waste Authority or a municipality trying to find a landfill site.

**Mr Jackson:** So the province is not offering the money as much as it is suggesting that the framework should include it so that the local municipalities should have that as part of the—

**Mr Giffen:** I am sorry, in the case of the Interim Waste Authority, they are responsible for locating the landfill sites in the GTA and it would be through the Interim Waste Authority that funding would be provided for participants.

**Mr Jackson:** Not outside the GTA, though.

**Mr Giffen:** No, not outside the GTA, if that is your question.

**Mr Jackson:** So, Michael, you have to move into the GTA if you want another car.

**Mr Cowley-Owen:** If I could be cynical for a second, I feel we are in the GTA, as I read it.

**Mr O'Connor:** Further on that, maybe Mr Drew Blackwell might have a little bit he would like to add to that, from the office of waste reduction.

**Mr Blackwell:** The ministry does fund the municipalities that undertake master plan studies, usually with 50% funding. A number of municipalities provide some form of remuneration for expenses for public participants in the public liaison committees, and those expenses, when the municipality decides to do it, are eligible for 50% reimbursement, as are the other expenses under the master plan.

**The Chair:** I think the question Mr Jackson was asking, Mr Blackwell, was, as the ministry funds municipalities, is intervenor or participant funding a condition that the ministry places on the municipalities as the recipient of those provincial dollars?

**Mr Blackwell:** No.

**The Chair:** So there is no requirement that the municipalities—it is up to them to decide whether or not they are going to assist public participation?

**Mr Blackwell:** That is correct. There is a requirement that there be public participation and there are strong recommendations that not just a public liaison committee be established, but also that there be staff support for such a committee and the position established for it; and there are recommendations for upgrading that kind of position. We do not, however, at this time at any rate, have a policy that recommends there be reimbursement for the expenses of the public participants. That is up to the municipality.

**The Chair:** If I can, just to assist, I know there were a number of intervenor funding projects or dollars available. Has there been an analysis by the ministry of the effect of those projects in enhancing public participation? They may have been around the large-class EAAs, that sort of thing. It might even have been an—

**Mr Blackwell:** I would prefer to refer that to Mr Giffen, if I could, or to get back to you on it afterwards.

**Mr Cowley-Owen:** This is the crux of the issue, as far as I am concerned. There is a lack of policy. I am afraid the point I was trying to make has slipped my mind, but although

there may be some strong suggestions to the municipalities, there is no policy that insists upon them doing it; and it seems to be rather backwards when a few thousand dollars of public participation money I think can be demonstrated to save tens and perhaps even hundreds of thousands of dollars of intervenor funding once it gets to the level at which you need engineers and lawyers and accountants.

**The Chair:** Mr Wiseman, question.

**Mr Wiseman:** I do not have a question, but I would comment on this. It was not too terribly long ago when I was doing what you are doing in the environmental presentations and all the studying. You raise a point that has been debated for a long time in the circles I come from, and that is how to justly offset some of the sacrifices that are made by individuals such as yourself who come forward in the community and raise the questions and, in effect, do what is called "participatory democracy." How can you be a participant in democracy if you do not have the kind of resources necessary, if you are just surviving day by day?

I think your question here today has rattled the chain in the back of my mind and I have no satisfactory resolution for you, except to say that, in terms of the hours and the amount of commitment that you make, you do provide a very valuable service to your community and I think we would be all the poorer if people such as yourself and the people who work with you did not do it. How you can participate more—in terms of physical restraints, I know the thousands of hours. On the committee I belonged to, you know, there would be one meeting every two weeks and hundreds of hours on fund-raising, and that is a lot of time and money. So the participant funding in this bill, I think, is perhaps a first step in the direction of trying to come to grips with the very question that you have raised. Thank you for raising it.

**The Chair:** Thank you very much for appearing before the committee today. We appreciate the perspective you have brought and the issue you have raised. We hear a lot about consultation and public participation, and I think you have described very well for the committee some of the challenges. As Mr Jackson pointed out, the issue has been evolving over the course of a number of years and I think the committee very much appreciates the perspective that you brought to this discussion. Thank you very much.

**Mr Cowley-Owen:** I have a couple of documents that I have submitted to other committees.

**The Chair:** If you leave them with our clerk they will become part of the public record.

**Mr Cowley-Owen:** Thank you.

1600

#### KINGSTON ENVIRONMENTAL ACTION PROJECT LITTLE CATARAQUI ENVIRONMENTAL ASSOCIATION

**The Chair:** I would like to call next the Kingston Environmental Action Project. You have 20 minutes for your presentation. We would appreciate it if you would begin by introducing yourselves and leave a few minutes at the end for questions. Welcome and thank you.

**Mr Walton:** I am Eric Walton.

**Dr Henrikson:** I am Helen Henrikson, representing the Kingston Environmental Action Project, KEAP, and the Little Cataraqui Environment Association, LCEA, which is concerned with wetlands. I have been involved with the Kingston waste management plan ever since the beginning, which I realize is eight years. I am also a member of the Advisory Committee on Environmental Standards, ACES, of the Ministry of the Environment. ACES is concerned with standards for pollutants, with zero discharge and with a multimedia approach to pollution controls for our water, air and soil and for our food. But I am not speaking for ACES today.

This presentation focuses on and strongly supports part II, sections 13 and 14, of Bill 143, which deal with waste reduction by the 3Rs and eliminate the option of incineration. We commend the minister for her courage in taking this initiative and proposing the legislation. Our detailed studies of the Gore and Storrie Ltd Kingston waste management report showed that incineration with the necessary landfill almost doubled the cost of waste disposal, while only reducing the waste by about two thirds. Our literature review documented the many serious problems associated with incineration of garbage in several countries. It also showed that many cities in Europe and the United States have reduced their wastes by 65%, with committed recycling. Where waste incineration is dominant, as in Sweden, Japan and Montreal, for example, the recycling record has been poor.

There is ample proof that incineration eliminates the alternative of an effective waste reduction program. A recent example is of a plastic company in Vancouver that was prepared to recycle plastics in January when an industrial incinerator company solicited its plastic wastes for incineration.

In 1989 Kingstonians strongly opposed an incinerator proposal by Montenay Birwell and Dr Tom Barton. Alarmed by Kingston township council's rapid unanimous approval in principle of the proposal, a large citizen coalition studied the issue, including the experimental vitrification process proposed by Dr Barton, and presented the findings. Five hundred people attended the first public meeting, virtually all opposed. Kingston city council's public meeting, lasting four hours, was attended by about 250 to 300 people, at which only the proponents, a single General Hospital representative and the group living near a proposed landfill site, supported incineration. Kingston council rejected this proposal.

Sections 13 and 14 of Bill 143 provide, at last, for much-needed long-term planning for waste management and require municipal commitment to reduce wastes through resource conservation. We will deal mainly with the incineration ban.

Banning incineration should reduce the delays in waste management committees such as ours in which even now some members continually look towards the technical fix and lose time. It will allow time to prove that a commitment to a 3Rs program can reduce waste disposal as effectively as incineration. It will also buy time for the councillors to become knowledgeable and critical about



the problems and costs of incineration so they know the right questions to ask proponents and can do their own thinking.

Since decision-makers and the public need impartial studies in order to evaluate decisions, the Ministry of the Environment could help us by compiling and making available factual, peer-reviewed evaluations of all aspects of incineration, with references, as compared with recycling programs.

The public must be told repeatedly what the total costs of incineration and required landfill are. Just for capital and interest payments, incineration costs are about double. To this must be added the costs of overruns, delays in getting operating, frequent breakdowns and repairs, regular maintenance and retrofitting with technological improvements for pollution control. All these problems have caused the closing down of a lot of incinerators in the United States and prevented the setting up of other ones. Retrofitting can add 40% to the capital costs. The environmental and health costs, which are never included, must be estimated and added. Another economic factor to be considered is that few permanent jobs are created by incineration.

The reduction by incineration is only 65% to 70% of the usual waste stream, not 90% as is sometimes claimed. The 30% to 35% left is toxic bottom ash and fly ash to be disposed of by landfill or in a hazardous waste facility. As well, when a mass burner breaks down, the waste usually lands up in a landfill anyway.

The fly ash, which comprises about 0.03 to 0.06 tonnes per tonne of waste burned, is hazardous waste. It contains toxic metals that leach out and persistent organic toxics, including dioxins that reform and are captured in the fly ash during the cooling stage of pollution control. The few hazardous waste sites for safe disposal of fly ash are distant and costly. For example, the cost to Hamilton is \$1.8 million for the 6,000 tonnes of fly ash produced annually in the solid waste reduction unit, Swaru, incinerator, and that is from 100,000 tonnes of partially screened shredded waste.

There are many myths about incineration. One is that with recent improved pollution control and scrubber systems, the flue gas emissions are safe. Although much cleaner, the flue gases deliver hundreds of tonnes of pollutants to the environment. Emission controls are based upon the point of impingement of the emission plume of a sensitive receptor, such as a home or the people in the home. Controls deal only with the concentration of pollutant emitted in the stream, not with the total amount emitted to the environment. The cumulative effects of long-term persistent chemicals and the additive effects of other incinerators are not considered.

A rough estimate of the annual loading from emissions can be made from the annual volume of flue gases multiplied by the concentration of each pollutant per cubic metre, as permitted by control order. And emissions are tested only during good operating conditions, not when there are problems.

Table I, attached, provides an estimate of the maximum pollutant loadings permitted by control order for the Montanay Birwell incinerator in Burnaby. This is a state-

of-the-art facility with a Teflon baghouse pollution control and scrubbers. Maximum loads permitted include 42 tonnes of particulates per year, and particulates greatly increase the chemical activity of contaminants. The total amount of acids is much more than 500 tonnes, and includes seven tonnes of toxic hydrogen fluoride. As well, 63 tonnes of toxic hydrocarbons, 350 kilograms of cadmium and mercury, which are both very toxic, and 10 tonnes of about 10 other metals, including lead, can be legally spewed into the atmosphere each year from this one incinerator. That does not mean to say that they do that much, but that it is legal.

The federal NITEP showed that even with the best pollution control and operating conditions and a staff of 33 experts, only 93% of the acids in the gases was removed by a scrubber and baghouse pollution control system. Much less was removed by a new electrostatic precipitator. The 7% acid left in the flue gas is a lot of acid contributing to a lot of acid rain. Acid removal is dependent on operating conditions, and these were ideal operating conditions. Respirologists are very concerned about the effects of atmospheric acids in exacerbating respiratory diseases, especially in children.

In toxicological studies, the carcinogenicity of persistent toxics has been emphasized, but other serious impacts on health include asthma and other lung disorders, suppression of the immune system, impacts on reproduction, foetal development, and on the neurological, psychological and behavioural development of animals and people.

Of course, incineration is only one source of pollution through its ashes and emissions. However, incineration emissions were estimated to be the source of about 50% of polychlorinated dioxins in Sweden and Denmark in the mid-1980s. Incineration of Ontario's garbage and sewage sludge alone was stated to emit 28 and 32 kilos of dioxins and furans annually. Those are the polychlorinated ones.

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For the existing incinerators, we would want to see legislation for better training of operators, requirement of frequent renewal of licences and control orders, as in Europe, where technological advances are required in renewed licences.

KEAP supports joint and cooperative waste management planning for the local region. We are opposed to long-distance transport, believing that people should be responsible for their own waste, for out of sight is out of mind. However, joint management will not be easy and requires sensitive, skilful and generous negotiations, with ongoing public consultation as well as incentives.

Regarding the costs of recycling, Ontario should draw on the experience of successful programs used elsewhere. Unfortunately, the past government was lured into our rather costly system by the enticement of the beverage industry's partial funding for the setup costs. But the price to our society is a continual glut of bottles and cans, as the government did not require deposits on beverage containers. Such deposits must be legislated, as in most other provinces.

In summary, KEAP strongly supports sections 13 and 14 of Bill 143, which promote the 3Rs and delete incineration. Our reasons include:

1. Incineration locks a municipality into that one expensive, wasteful technology, effectively eliminating other conservation alternatives. EFWs only generate 1% of the energy requirement in Kingston and it does 1% of Sweden's energy needs, so it is not a large amount.

2. The 3Rs can do the same job of 60% to 70% waste reduction with a committed program.

3. Recycling has been less costly than incineration in various cities.

4. The 3Rs create more permanent jobs locally.

5. Incineration emissions, bottom ash and fly ash contribute heavily to polluting our ecosystem and to health problems, and the cumulative impacts have never been determined.

6. There are serious technological problems in the operation of incinerators and for disposal of the hazardous ashes.

7. Incineration is not environmentally sustainable, as it continually destroys resources, whereas the 3Rs help close the cycle of waste generation.

Again, we appreciate the opportunity to express our viewpoints to your standing committee. There must be a great deal of reiteration, but this helps sum up citizens' viewpoints.

**The Chair:** Thank you for a thoughtful presentation. First question, Mrs Mathysen.

**Mrs Mathysen:** Thank you for bringing this information. My question is that we heard this morning and this afternoon from John Milnes, chair of Cornwall Environment Resource Centre, and from the Glenburnie Residents Association and from Dr Barton. Dr Barton said that the ban on incineration reflects unsubstantiated rhetoric which has attached a stigma to incineration that is not reflected by true scientific thinking. Now you have brought another brief that has other information. Could you tell me why you feel confident about this information as opposed to the kinds of things that Dr Barton told us?

**Dr Henrikson:** For one thing, when some of the scientists in Queen's University examined the proposal for vitrification by Dr Barton, it leached terribly and very rapidly. For another thing, there is a proposal for leachate in the United States; in 1989, it had been evaluated by the Environmental Protection Agency for one and a half years, and it was expected to take another two to three years for evaluation. It is a problem, and it is not something that can be decided in a hurry.

They are always saying it is clean, but I have studied in detail the NITEP studies, which, as I said, were done by 33 experts under new conditions, and there is still a lot. What you should be concerned about is not the point of impingement, although that is important, but the total loading of incinerators, and when you look at the amounts south of the border, they are going to be all over the place, in farm land where the lead is a real problem where that can get into the milk.

**Mrs Mathysen:** So you did do some of the studies he called for?

**Dr Henrikson:** Yes, I read extensively on it in journals, and I do not agree with him. I specifically took the Montenay Birwell one because the proposal was here for that and, as you will see in the table, they have a lot of problems with the operation of that one. The one that was proposed for Kingston was based on the Peel one, and similar amounts would have been allowed there.

**The Chair:** Mr Jackson, we have just one minute remaining.

**Mr Jackson:** I suppose you do not support the current government's test burning of tires at the new Swaru site?

**Dr Henrikson:** No, I would not.

**Mr Jackson:** What is your area of expertise as it relates to—

**Dr Henrikson:** I am a biochemist and physiologist, and I have been involved with land use planning, and I have gained a lot of experience from being on this ACES committee of the Ministry of the Environment for almost two years.

**Mr Jackson:** Thank you.

**The Chair:** Thank you very much for appearing before the committee today. We appreciate you taking the time. Your written presentation becomes part of the public record, and you will receive a copy of the Hansard which contains your presentation before the committee today.

For anyone who is interested, Hansard is the word-by-word written documentation of everything that is said before the committee, including questions and responses, and that is available through Publications Ontario, 880 Bay Street in downtown Toronto. It might also be available through some of the other government bookstores. If you contact them, they can probably arrange to get the Hansards for you, but you will get a copy. It does take a few weeks, so do not look in the mail until a few weeks from now.

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#### LANARK COUNTY FEDERATION OF AGRICULTURE

**The Chair:** I would like to call now on our last presentation for today here in Kingston; last, but certainly not least, Lanark County Federation of Agriculture. I ask that you come forward. Begin your presentation, please, by introducing yourself. You have 20 minutes in total.

Do you have a question already?

**Mr Wiseman:** I am just kidding. It is just because everybody else beats me to it.

**The Chair:** Okay, Mr Wiseman, you will be first on the list. Please begin your presentation now. We hope you will leave a few minutes; Mr Wiseman wants to ask you a question.

**Mr Dobbie:** Thank you, Madam Chair, ladies and gentlemen of the committee. My name is Alvin Dobbie. I am here today representing the Lanark County Federation of Agriculture.

Having been involved with the waste management study for the past six years—I should say, perhaps, associated with it. I have not been involved in any steering committees or in



anything legal. I have been watching from the sidelines and been involved mostly through the federation.

I am appalled by and disappointed in the way it has been handled and progressed, which has motivated me to come here today and give this presentation with respect to Bill 143. Although the bill applies to the greater Toronto area, it could establish a dangerous precedent for application in other areas of the province. In general, this bill further erodes the concept of private property; it destroys the possibility of public or local input; it lessens the responsibility of each community to handle its own garbage and therefore works against any incentive to employ the 3Rs; it is heavy-handed and generally insensitive to local concerns; it is a quick-fix, draconian measure to clean up the bureaucratic mess made by the Ministry of the Environment.

One of the main reasons current studies have bogged down is that the Ministry of the Environment has made the process too complicated and is ever changing its requirements. It is an infringement on individual rights and freedoms and will no doubt be challenged in the courts. People are not going to willingly give up their land if proper procedures have not occurred.

My second page is on recommendations:

1. Review of the MOE guidelines to simplify the site selection process, and I emphasize the following: Refrain from the use of prime agricultural land; do not destroy valuable communities; develop a public participation process that leads to commitment on everyone's part; where possible, place the landfill site on crown land and respect the rights of private property ownership; design engineered models to allow the use of expired sand and gravel pits and other environmental eyesores. I would like to point out to you that many of these sand and gravel pits are left and not being used any longer because of clay bottoms in them, which is a requirement of the landfill.

2. Supply a MOE facilitator for each landfill study area in order to lessen internal bickering. Currently, site selection coordinators are frequently consulting engineers who have a vested interest in defending work already done.

3. Stop emphasizing large, cost-efficient landfills and think in terms of smaller, more locally sensitive ones. Pay attention to long-term transportation costs and environmental damage.

That is about all I have to say as far as my speech presentation is concerned. I would like to thank you for the opportunity of being able to come here today to speak to you. I have been waiting for three or four years to get talking to someone about this. It seems very hard to get through to the people in Toronto, we find, to talk about it. From what I hear from other people here today, there are a lot of people wanting to put more public participation into it, which I think has been overlooked in the past and maybe should be considered more. There is a lot of ideas out there that people have. It has been an education for everyone, including myself and, I know, you people as well. I think there could be a lot more input by private citizens.

**The Chair:** Thank you very much. Although your documentation and your presentation has been concise, I know it contains many important thoughts and ideas that

the committee will consider, and I have several members who want to ask you a question. Just for your information, the way the committee works is that I rotate through the caucuses, so although everyone heard Mr Wiseman ask to ask his question first, Mr McClelland has the floor.

**Mr McClelland:** Thank you, sir, for being here. One of the issues and concerns we have had expressed, right across the province—my colleague Mrs Fawcett brought it up frequently early in the hearings—is the impact Bill 143 potentially has on the agricultural community. I should note in passing and commend your federation for its participation in the Ontario Federation of Agriculture's recently released paper and initiative on an environmental agenda and a green plan, if you will, for the next decade. For that, sir, you and your federation are to be congratulated for your participation.

We have said at the outset in opposition that we are concerned about this bill for a number of reasons, because of some of the basic principles it embodies. We have heard good things about the bill. We just heard somebody come before the committee who said, "We like the sections that ban incineration"—perhaps a debatable issue. I am not making a comment on that, I am simply saying there are elements of anything that are good. But I personally feel very strongly that because of the fundamental principles you talk about—eroding the concept of private property, destroying the possibility of local input—those good portions of the bill are not sufficient to redeem it. It is, quite frankly, beyond redemption.

As suggested by an earlier individual, they said the whole thing should be scrapped and we should get our act together and do something that is going to work long-term across the province. I simply want to thank you for coming here, because the principles you are talking about are fundamental and basic to our society. I believe the implications, in terms not only of the greater Toronto area but across the province, have been drawn to our attention yet again by you. I hope that because of your presence here that others who are engaged in agriculture across the province will begin to understand that Bill 143 jeopardizes many things you have pointed out here, including the right and respect that one ought to have for your farm and your colleagues in farming as well.

**The Chair:** Did you wish to respond?

**Mr Dobbie:** Perhaps a little. I am sorry we did not pick out some of the good points of the bill. We have hit on all the ones who are condemning it, mostly. We did not get a copy of this until just a few days ago in our county, so we did not really have much time to read it over. We found it a little hard to understand, its context or the way it is put together, but we did the best we could. We picked out the points we thought were interfering with us.

On the farm land, I know landfill sites being located on primary agricultural land has been a serious concern of the OFA right from the beginning. I have attended many steering committee meetings in Smiths Falls, in our county, talking to the engineers and the people on the steering committee, trying to talk them into keeping away from

good agricultural land. I am talking to other people across Ontario and Canada, and the United States for that matter.

When you drive across, whenever you come into a prime agricultural area there are signs up protesting landfills. If they put landfills on all this good agricultural land and if these things leak, which has been the case many times—I still do not think they have the engineering capability to stop that—you are going to contaminate all the good agricultural land in North America and there is not going to be any land left to produce food on for the people. The next generation is going to say: "What did you people do? You just ruined everything for us." It is going to cost a pile of money to establish these landfills, but if they leak and contaminate water systems, it will cost an enormous amount of money to truck in or pipe in water or whatever has to be done. Farming requires a large amount of water for almost any type of enterprise, especially livestock.

1630

**Mr Wiseman:** I really do appreciate you coming and putting your concerns before the committee. I am going to take my time to address the four major points you have made about agricultural land, communities, participation and crown land.

The first thing I would like to indicate to you is that this document, the Draft Criteria for Interim Waste Authority Site Selection Search, is part of the IWA criteria for selecting where landfills will go. It sets out the criteria first and then uses the criteria to then examine where landfill sites should be located. The very first criterion, land that has been removed from consideration for landfill sites, is class 1 through 3 agricultural lands and lands with specialty crops. I am going to quote from this because I think you will find that we are listening to what the Lanark County Federation of Agriculture has to say.

"Good agricultural lands are an important provincial resource and should be preserved for food production. Landfill development on classes 1, 2, 3 land is undesirable." That pretty much says class 1, 2 and 3 land, and any land that has specialty crops, are eliminated from the criteria. It is screened out right from the beginning. The land that is in the criteria is land that has already been designated as part of an urban shadow, or land that the city or town has already said it is going to destroy anyway. That is not a really pleasant thought, though, is it? If you would say that we should be preserving our agricultural land even in urban shadows, I would agree with you.

The second point I would like to—

**The Chair:** Sorry, your time is up.

**Mr Wiseman:** I would like to speak about this with you after and go through this so you understand exactly where we are coming from. Thank you.

**Mr Sola:** I would like to go to your recommendations where you state that the government should "develop a public participation process that leads to commitment on everyone's part," and then flip back to your criticisms of the bill where you say Bill 143 will destroy the possibility of public or local input. In view of your criticisms, what does Bill 143 do to your commitment to participate in whatever Bill 143 wants to promote? Go ahead.

**Mr Dobbie:** Do you want me to answer the recommendation first or the other one?

**Mr Sola:** Either one.

**The Chair:** He asks the questions and you can answer them in whatever way you wish.

**Mr Dobbie:** I should have marked this. I will start with the last one you gave me. The point we are looking at is that if Bill 143 goes through and takes away anything from the county or the township or people in that area who are associated with this landfill—from what I can gather from the bill, the minister or the people can just walk in and inspect the land, and if they say it is suitable for a landfill site they can expropriate it and just take it away and build a landfill site, and the people in the area have no say in it whatsoever. That is what I gathered. Is that correct? That is what we read; that is what it seemed like to us and that is what we took from it. It would not give us any further input into it. It would just be taken away from us and the decision would be made in Toronto or what not to establish a landfill site on that property.

**The Chair:** Ms Haeck, you have the floor.

**Ms Haeck:** Thank you very much for coming because I think it is important that you do participate and make your opinions known. There were about 40 different public meetings and many people had a contribution to make to this document. I think that should be made clear. I know Mr Wiseman has a desire to speak to you at length about this.

I wanted to raise the issue of the expired sand and gravel pits that you refer to on page 2 under your recommendations. We have heard from a variety of people, and I know where I live, which is part of the Niagara Escarpment region, there is a very serious concern about using sand and gravel pits because of the leakage problems, particularly where they have used a quarry and there has been a lot of blasting and fracturing of the rock. Would you concede that possibly this would be a problem and this is an area that should not be considered?

**Mr Dobbie:** In our particular county there were several expired sand and gravel pits which have clay bottoms. It looks like they are going to have to engineer a site in our county. Anyway, there is no suitable soil for a site to be designed and built like what they were first expecting to do; therefore, they are going to have to truck in clay from another area of gravel pits or clay deposits to make a liner on the bottom. This is the thing that has never really been established or presented to us by the engineers from the start: a picture or a model or anything of a site to show exactly how it operates and how it works. They talk about liners and what not but there has never been a real, definite site design put forward so that people can thoroughly understand how it works.

This is what we say, that rather than putting it on prime agricultural land, use a gravel pit or some other area of poor land or what not. You are going to have to haul in the clay in most cases anyway to engineer the site, so why not use a gravel pit? The Ministry of Natural Resources is trying to get money from all the people who own sand and gravel operations in the province to rehabilitate old pits. I



am sure some of them could be designed to put garbage into, and in the end they would have a much better-looking part of the country with the garbage put in there and leveling it up and filling it up than with the hole that is left there from extracted gravel.

**Mr McClelland:** You are going to have some discussion a little later and I am sure it will be ongoing and I would ask you to listen very carefully to what you hear. You will hear, "Don't worry, there won't be any landfill sited on 1, 2 and 3." That makes it okay for anybody else, with some exceptions, as you have already heard. But that somehow justifies the fact that people are able to walk on to other farms and other lands, as you so well pointed out, and say, "Sorry, that basic concept of the integrity of your personal property doesn't matter any more, because we're a government that used to say we believe in that but we don't any more, and it's all right."

They will also say to you that it is not unusual for governments to have that kind of power, notwithstanding that we have heard from many people who are much more able to articulate the niceties of the law who have said that this bill is more far-reaching and more contradictory in terms of the integrity of personal property and civil rights than any other piece of law they have seen in many years.

I want you to understand the context of what you will hear, that, "It's okay; don't worry." I ask you to be very critical in a positive sense but careful in terms of hearing everything that is being said.

**The Chair:** Did you want to respond?

**Mr Dobbie:** No. I think I understand.

**The Chair:** Mr Wilson, as a protocol and courtesy to the member for this area, you have three minutes either for questions or summation or a speech. The time is yours.

**Mr G. Wilson:** I know the committee has worked hard and is not too interested in hearing a long speech. I certainly, on behalf of the people in this area, would like to thank the committee for coming here. Perhaps an extreme reading of one of the earlier presenters was that this is a junket for not only the politicians but also the bureaucrats who are on this committee. I think, though, we can see that it is a necessary function that can be tiring as well, and you are suitably compensated for undertaking this endeavour.

I say it is essential because what we have learned here as participants has been very helpful not only for Bill 143 itself but also for the future of this area. You have heard there are similar problems to those that exist in other areas of the province.

I think it is fitting too that we should be in this hall, Memorial Hall, and Kingston city hall during Heritage Week, because it is testament to the care the people of this area have shown in preserving a very important aspect of our past.

At times, I guess when minds wander, you see the portraits along the walls and you note they are mainly men. Certainly in the leadership positions they are men. They look so composed. If they saw a woman in the chair I think they might be a little aghast to see how capably it was handled. I want to commend you, Madam Chair, for the job you have done in moving this along in a very constructive way that led to getting the most information out of the hearing today.

I think the main message, though, is that our government is interested in a comprehensive approach that includes all aspects of the interest in this problem: the government business and the public in addressing this problem of how we deal with the waste we generate in an environmentally sensitive way and at the same time in a way that creates as much economic activity as possible. I think we have done that today. Certainly for this area we have a lot to think about and work with. I again want to thank you for coming here. It certainly focuses our minds in a very constructive way.

**The Chair:** I will also thank our last presenter for coming before the committee and tell him and everyone else who has sat through the hearings today how much we appreciate their participation. If you have any additional information you would like to share with the committee, you can continue to communicate with us in writing through our clerk. I feel the hearings here in Kingston have been very productive. I appreciate your very kind words, Mr Wilson. The standing committee on social development stands adjourned until tomorrow in Sarnia at 9 o'clock in the morning. Thank you all.

The committee adjourned at 1642.

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## Legislative Assembly of Ontario

First Intersession, 35th Parliament

## Official Report of Debates (Hansard)

Thursday 20 February 1992

### Standing committee on social development

Waste Management Act, 1991

## Assemblée législative de l'Ontario

Première intersession, 35<sup>e</sup> législature

## Journal des débats (Hansard)

Le jeudi 20 février 1992

### Comité permanent des affaires sociales

Loi de 1991 sur la gestion  
des déchets



Chair: Elinor Caplan  
Clerk: Lynn Mellor

Présidente : Elinor Caplan  
Greffière : Lynn Mellor

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# LEGISLATIVE ASSEMBLY OF ONTARIO

## STANDING COMMITTEE ON SOCIAL DEVELOPMENT

Thursday 20 February 1992

The committee met at 0904 in the Drawbridge Inn, Sarnia.

### WASTE MANAGEMENT ACT, 1991

#### LOI DE 1991 SUR LA GESTION DES DÉCHETS

Resuming consideration of Bill 143, An Act respecting the Management of Waste in the Greater Toronto Area and to amend the Environmental Protection Act / Projet de loi 143, Loi concernant la gestion des déchets dans la région du grand Toronto et modifiant la Loi sur la protection de l'environnement.

#### EDGEWATER ENVIRONMENTAL SERVICES LTD

**The Chair:** We are very pleased to be here in Sarnia this morning. I know I speak for the whole committee when I say we are looking forward to a very productive day. I would like to call our first presenters, Edgewater Construction Co. Our procedure is that you have 20 minutes for your presentation. We ask if you would leave a few minutes at the end for questions, but that is up to you. Begin your presentation, please, just by introducing yourself. If you have any problem with the mike just press the button on the front, but it should all happen automatically.

**Mr Snow:** I would like to thank you for this opportunity to address the committee this morning on the proposed Bill 143.

My name is Ron Snow and I have been retained by Edgewater Environmental Services Ltd as a consultant. This morning the agenda says "Edgewater Construction." We have incorporated a separate branch for the environmental side of our company, so just that small correction.

Although I am relatively new to the private sector I certainly am not a novice to the political side. I have just finished nine years in public office since 1982: three years as councillor in the town of Petrolia and six years as the reeve. I served five years as chairman of the waste management master plan steering committee and the waste management standing committee for the county of Lambton from 1985 to 1990, in which time we developed the Lambton county waste management master plan up to the point of final site selection. Lambton county was endowed with the responsibility for waste disposal under Bill 35, effective January 1, 1991. In 1991 I became the warden of the county of Lambton and during my tenure continued to serve on the two waste management committees. I also served as one of two political representatives on the issues team of the Ministry of the Environment's waste management master plan process discussion group.

Being no newcomer to this process, I feel obliged to commend the committee on the long hours you have spent listening to countless presentations on this proposed bill. I have joined you on many evenings listening to reruns of the day's presentations on local cable TV. Many presenta-

tions made before this committee have been constructive and rational but you have also graced many with your patience. I trust your day in Sarnia-Lambton will be productive and I am honoured to lead off the presentations today.

I have prepared a document for the committee which gives a detailed summary of Bill 143, outlining what I approve of in the act and, possibly more important, what I do not agree with. The ovation will be short in that brief and is only for those areas really in part IV that deal with funding for research and development, the broadening of definitions of waste sites and systems, the placing of greater restrictions on disposables and products that pose a problem to the environment and waste management systems, and the placing of requirements on those who produce, use or sell packaging to examine and deal with the environmental impact of their product.

The rest of the act, in my opinion, is errant and irresponsible. It is an ignominy to any sound and publicly accountable environmental process. My position paper is submitted for the record, and I would rather spend these precious moments dealing with a general overview of Bill 143 as it affects all of Ontario and, most important, the environment.

Bill 143 appears to be a Band-Aid attempt at a long-term solution. It is disguised as short-term relief made by a minister who appears to be caught in her own web of environmental chaos. True, the process currently lacks direction and leadership, but we should be aimed at mending the system. The process needs direction, it needs to be achievable, and it must be for protecting the environment and not for protecting my backyard. Dollars spent should go towards putting sound technology in place, not for providing consultants and lawyers with a free ticket to dream and to print money.

The minister seems to be caught between promises and statements made in the past and the realities of the present and the future. She chose to shirk her responsibilities by giving the director or herself the right to ignore the due process that the Environmental Assessment Act and the Environmental Protection Act provided.

Bill 143 lacks public accountability. Bill 143 also ignores most other acts, statutes, regulations and honourable municipal agreements and hides behind the skirts of the deeming clauses. This bill totally lacks the open and consultative approach and replaces it with the hatchet approach. That is where you unconscionably butcher anything that gets in your way in order to get the job over with.

The Ministry of the Environment, a regulatory body, cannot hide behind the Interim Waste Authority and pretend that it is at arm's length. Government should have learned the lesson by now that its role is as a legislator and not an administrator of waste management systems. How



can a crown agency such as the Interim Waste Authority be deemed "interim" when it is responsible for sites that must be for over a period of 20 years?

Bill 143 appears to be the reaction of legislators who, in frustration, must feel that they are incapable of coming up with functional legislation and would rather bludgeon and bully their way through the environmental process when everything else fails, and to date it has.

The minister has squandered almost one and a half years trying to come up with a solution or at least a provision of clear leadership and direction, but to date there has been nothing except an ever-increasing list of can't dos and no-noes, all with little or no rationale. The best attempts at providing direction have been through press releases and ministers' statements, which is fine if you listen to the media, and now this faux pas called Bill 143.

0910

The minister was on the right track when she established a task force to review the waste management master plan process and the environmental assessment process. Having served as an elected official on the issues committee along with members from the waste reduction branch, the environmental approvals branch, district MOE branches, public liaison committees and waste management coordinators, I felt that fair and functional suggestions had been presented to the minister towards amending the process. The goal of the MOE's task force was to develop recommendations by the summer of 1991 with revised legislation to be prepared by the fall of 1991 and presented in bill form by January 1992 for passage by March 1992. It sounds like Bill 143.

But if Bill 143 is the resulting legislation, then our hours and days of deliberation and discussion were in vain. This was either a cruel joke or once again a Minister of the Environment has not been able to meet a publicly and politically acceptable scheme that has been laid out before him or her in black and white. Bill 143 is diametrically opposed to everything that was recommended to the minister.

No municipality, person or corporation, being of sound mind or leadership, would dare to start through the long and expensive wilderness to create or expand a waste management system unless money and time and patience and more money are in abundant supply. All levels of government, big and small businesses, the taxpayers and last but not least the environment have all run out of time, money and patience.

It is time we got our act together and took positive steps towards a solution. We need an environmentally sound process towards dealing with waste that will supersede the NIMBYist. That has to be a word in the dictionary by now.

I understand and embrace the need to find the best environmentally sound site, and that the term "environment" must take into consultation and consideration the social, economic and cultural conditions that influence the life of man or a community, but I do not understand how municipal boundary lines have anything to do with the environment. Does a boundary line provide for a suitable natural or biophysical environment within its perimeter? Sometimes. Does the social, economic or cultural environ-

ment recognize municipal boundary lines? Hardly. Why then does a boundary line seem to supersede everything that is sacred in sound environmental planning? Boundary lines do not serve the environment but rather the politician.

It is time politicians and people look at Ontario as a whole, study its natural and biophysical environment along with the social, natural and economic conditions, and then let's get on with the job of protecting our environment.

The position that "out of sight is out of mind" and therefore waste must be disposed of close to the source is absolutely ludicrous. Sound environmental disposal should not be compromised at the expense of education or else the educational gains are self-defeating.

Let's begin to put common sense into practice, for only then will we be able to get on with the task of long-term siting that is environmentally sound, rational and affordable. For affordability does not mean violation of the environmental process but rather that sound environmental technology and planning can and will be put into practice.

Ontario is our municipality and we need to get rid of the "we and they" philosophy, since pollution anywhere affects all of us. Waste management is an Ontario problem and we need to look for Ontario solutions. It is time to end the hollow rhetoric and put our words into action.

Technology is out there but unused, while we sit around debating whether there is a better environmental mousetrap. Bill 143 should be filed under "poor legislation" and replaced with legislation that is practical, functional and economical so as not to bankrupt us before we can do something about protecting Ontario's environment.

I would like to thank you, and should you have any questions now or at any time in the future, I would be most pleased to respond in person or in writing.

**Mr McClelland:** We have said throughout this process that Bill 143 is an admission of failure. It is an admission of failure, as you say, to deal with the problem, which is to review and deal with the environmental assessment process and bring together the leadership that is available in this province, the technology that is available and the creativity of the countless people in and around this province who are prepared to deal with the solutions in practical ways.

I want to thank you for trying to bring that message once again before this committee, and I want to tell you as well that I hope you do not feel a great deal of frustration. The minister has said this week in the newspaper articles that I have read that she is sorry, but Bill 143 is going to go the way it is going to go and there will be no significant changes; there may be some cosmetic changes here.

I am sorry to tell you that because I see your brief as a very thoughtful, well-presented brief that says: "Let's solve the problem. Let's put aside Bill 143 and deal with the problem in a practical way." But I think you should know that the minister stated, notwithstanding what you may hear, that there will be some little changes here and there, some cosmetic flare put on it, but she has said that fundamentally Bill 143 will go. For you and the 241 others who have come before this committee and have given us some positive ideas, I hope it is not in vain, but I hasten to tell you that the minister said that it is in vain. I can only

hope that, with your persuasion, maybe some of the members in the government caucus will take the message back to the minister that it is time to listen, to think in terms of the best environmentally sound solution for this province and not political expediency.

I thank you for what you have done today. I wish you success in terms of communicating the message you have brought to the government because, quite candidly, we in opposition have been unable to do that. We have tried, and with the help of people such as yourself, maybe we will be able to get at least some of the message through.

**Mr Snow:** I have listened to a number of the presentations over the last few weeks. It makes for great evening entertainment after a long day at work. But I had hoped, and I guess it is always the dream one has, that if you are asked to give input to a process, such as last year being on the Ministry of the Environment review team, you would at least be heard, especially when we reached conclusive agreements at the end of the day and made a presentation back which was at MOE's request. I spent those days at 2 St Clair Avenue West in Toronto. It looked like the MOE building and I thought I was in the MOE building, but maybe I was simply being hoodwinked somewhere at that time, because nothing has come from all those hours of effort and a lot of cost and time.

Then we go through the consultative process such as we are having here today and I wonder again, "Am I being heard, or is it just that we are going through the steps and they are going to do, at the end of the day, what they want to do anyhow?"

**Ms Haack:** I have a couple of questions related to your presentation and they specifically refer to page 4. Because of the time allotment, I will not give you much of a preamble, other than to say I represent an area outside of Toronto so I have some great concerns about what happens to Toronto's garbage. My area does not want it, and I suspect from other people that they do not either.

First of all, partway down the page, the third paragraph, you talk about the fact that Ontario really seems to be on the table again. The first question is, do you really want all of Ontario on the table with regard to looking for a site for Toronto's garbage?

Second, down towards the bottom, in the second last paragraph, you indicate that there is technology out there but that it is unused. What kind of technology specifically are you referring to? My question really relates to, do you want an incinerator here in Lambton?

0920

**Mr Snow:** I will try to answer them in the reverse order that they were given. Hopefully, I will not forget the first by the time I get back to it.

With regard to an incinerator, I have had the fortune to view a number of facilities throughout North America, and I believe incineration has some potential to it. I am not so sure we are at the point right now where it is a better means than landfilling as an end for the final waste stream that cannot be treated in some other fashion, but I think it should always be part of the process. I think it is something that you have to continue to look at, and when the

day comes that the balance shifts in favour of the incinerator, and possibly some day it will, we will have to look at that very seriously.

I stated a number of times in here—and this starts to get back into 1 and 2—that I think we have to stop sitting down and saying "in Lambton" or "in Toronto." We have to look at waste as being all our problem, and I think if we are going to come up with some sound rationale for where we are going to dispose, we have to look at our borders as a whole.

It is interesting that in Lambton county, when the city was separated, which was up until 1991, had they spotted a site and gone through the very same criteria we had gone through, the site would have been within the boundaries of the city, obviously, because we are staying within boundary lines, which would have put it very close to the current site, which the city now has within its boundaries. But because the county became the proponent and now had responsibility, with the same criteria being used that the city would have had to use internally, it sees the site now being down in Moore township, which is to the south of the city. So now it says the best place to put the city's waste would be at the south end of Moore township.

I do not quite understand. If it is the best place to put the city's waste, then if the city had still been separated, I would have to follow my logic through and think that it still should be down in the south end of Moore, if that is the conclusion of the final day's presentation.

Boundary lines keep shifting it around. I look at it and say, "But Ontario is what the Ministry of the Environment has responsibility for here," and therefore I do not think you can start drawing boundary lines. You have to look in Ontario and say, "Where are the best places to take and dispose of our waste?"

There are counties around, and it will say so in my report as you read through it later on, that really do not have suitable siting facilities within them. What are they going to do? Are we going to take the best they have, which may be poor, and put it within that site, or are we going to stop this boundary line thing and erase it from our minds and say: "We are going to have to look at Ontario. Where are the best places to put it?"

**The Chair:** Thank you very much for appearing before the committee. We appreciate your coming. It has been a very thoughtful and interesting brief. If there is additional information that you or anyone else attending these hearings or are aware of this hearing has that you would like to share with the committee, you can do so in writing through our clerk.

#### COUNTY OF HURON

**The Chair:** I would like to call our next presentation, the Huron county waste management master plan. Please come forward. Would you begin your presentation by introducing yourselves to the committee. You have 20 minutes for your presentation, and we would appreciate it if you would leave a few minutes at the end for questions.

**Mr Tomes:** I am Tom Tomes, chairman of Huron county waste management and a councillor of the county of Huron. I have with me Jo-Anne Richter, our waste



management project coordinator. We appreciate having the chance to provide our comments on this bill.

In June 1988, realizing that many of the waste disposal sites in Huron county were nearing capacity, the Huron county council initiated a waste management master plan in order to develop a comprehensive, long-term strategy for managing solid waste in the county. The project is being jointly funded by the Ministry of the Environment and is proceeding under the terms of reference approved by the ministry.

When the study began there were 17 municipal landfill sites in the county. It is estimated that by 1996, 10 of the 17 landfill sites will be closed, with all the sites full by the year 2008. A new waste disposal site to serve the municipalities in the county will be one component of the waste management system being developed under the master plan process. It is estimated that a new site will be operational in 1996 at the earliest. Clearly the county initiated the master plan process at an appropriate time in order to avoid being faced with a waste disposal crisis at a future date.

It is within this context that the county reviewed Bill 143 and the proposed amendments to the Environmental Protection Act. Specifically, we wish to comment on the proposal to amend section 29 of the Environmental Protection Act.

It is proposed that section 29 provide the director of the Ministry of the Environment with the power to require a municipality to collect waste, provide waste disposal facilities or replace or repair those facilities. In addition, the director may require a municipality to collect or transport waste, including waste from outside the boundaries of the municipality, and to accept and manage waste, including waste from outside the boundaries of the municipality.

The provisions which would allow the director to require municipalities to collect and/or accept waste from outside its boundaries are of particular concern to Huron county.

On January 20, 1992, the Minister of the Environment proposed a series of amendments to Bill 143, some of which relate to section 29. These include making the minister, rather than the director, responsible for emergency waste management orders and imposing a five-year limit on any provincial order requiring a municipality to accept waste from outside its borders. These amendments do not satisfy our concerns.

It is our position that the proposed amendments to section 29 of the EPA compromise the integrity of the master planning process. It is inconsistent with the terms of reference for the Huron county waste management master plan previously approved by the ministry and jeopardizes the public consultation program which has developed in conjunction with the master plan study.

The proposed amendment is unfair to the municipality and those residents who will be unwilling hosts and neighbours of a landfill site. It is difficult to ask any one municipality to accept waste from the rest of the county. The possibility that they may also be required to accept waste from areas outside the county only enhances that inequity. The people who live around the site will never know what the future holds in terms of the amount of traffic using the

site, the source of the waste and the expected lifespan of the site.

In completing the master plan and developing recommendations for a preferred site, we are required to undertake extensive studies to determine the impacts that a landfill site would place on a community. Our ability to determine these impacts would be severely hampered because we would not know who the users of the site might be, where the waste would come from or how long the site will actually operate.

The proposed amendments would destroy the credibility of staff and local officials who have been involved in the waste management strategy. The residents of Huron county have been actively involved in the master plan study, recognizing the need for a waste management strategy and new waste disposal facilities. However, they do fear that the waste management study will include the import of waste or that garbage from outside the county will be brought to the county site once a site is opened. We have always relied on the terms of reference to dismiss that possibility.

The possibility that a county landfill site would be required to accept waste from outside the boundaries of Huron county will have the effect of diminishing the public and political support of the Huron county waste management study. Should the proposed amendment be approved, we anticipate that we will experience immediate difficulties in continuing our master plan study, including delays in obtaining access to candidate site areas to determine their suitability as a landfill site, loss of public confidence in the process and public mistrust and suspicion about the information being provided. It will certainly increase the time period required to complete the study and may be a critical factor in determining whether or not we are able to achieve our goal of 1996 for a site opening.

0930

The proposed amendment places a burden on those who have responsibly planned in advance for waste management. Through successful completion of the master plan and subsequent approvals, Huron county will be able to provide waste management facilities for residents for a 40-year period. If the county is required to accept waste from outside sources, that planning period could be significantly reduced.

The proposal to establish a maximum five-year time period does not alleviate our concerns. The county site, which will be designed with a capacity of 2,865,354 cubic metres, is intended to serve a population of approximately 60,000 Huron county residents. It is not being developed to provide an interim disposal site for municipalities which have found they are unable to manage their own waste. Every cubic metre of capacity filled by another municipality under an emergency order by the minister will result in the loss of that capacity for use by our own municipalities and require that we begin a new search for another landfill site that much earlier.

In conclusion, it is felt that the proposed amendment to section 29 of the Environmental Protection Act is inconsistent with previous ministry policy and unfair to those involved in the master planning process who are seeking a

means of providing safe, long-term waste management facilities for the community. The proposed amendment does not recognize those who have responsibly undertaken to plan in advance for future waste disposal needs, but does provide a way out for those who have not done so. We would suggest that the Ministry of the Environment assume authority for the entire waste management planning process for all municipalities in Ontario if it wishes to assume authority which would permit it to direct where waste should be disposed. Thank you.

**The Chair:** Thank you very much for your presentation.

**Mr McLean:** The last paragraph indicates that the minister wants to provide direction for waste management across Ontario. The previous speaker indicated that he thought waste management should be an Ontario-wide proposition. You indicate that in Huron county you do not want anybody else taking garbage in there or anybody involved once you get a site approved. Would Bill 143 not speed up the process and the approval of your site?

**Mr Tomes:** No, I do not think so.

**Mr McLean:** I thought Bill 143 gave the minister the authority to proceed once you had all the studies necessary, documents filed, except an environmental assessment that would allow her to proceed to name a landfill site. Is that not your interpretation of the act?

**Mr Tomes:** No.

**Mr McLean:** What is your interpretation?

**Ms Richter:** Our concern with Bill 143 is that we are proceeding under set terms of reference. They were established prior to 1988, before we started our master planning process, and we are following those terms of reference, whether it is right or wrong. Our concern is that we have established a very active public consultation process. We have told people that we are looking for a landfill site to serve Huron county residents. The delays would come about through the public again. If they realize there is a possibility that waste might come from outside of the borders, we do not feel that we will have the cooperation that we need to proceed through the process and then to identify a site that would be suitable for our use.

**Mr McLean:** So in your estimation, Bill 143 is a detriment to the approval of establishing in Huron?

**Ms Richter:** Yes, it is a detriment because it is in contradiction to our terms of reference.

**Mr McLean:** Your terms of reference?

**Ms Richter:** That is right.

**Mr McLean:** But what about the ministry's terms of reference?

**Ms Richter:** The terms of reference that we are proceeding under were approved by the Ministry of the Environment.

**Mr McLean:** Previously.

**Ms Richter:** Right.

**Mr McLean:** But this bill is changing those terms of reference now, is it not?

**Ms Richter:** We do not think it is. We think we are still going to proceed under those terms of reference, and we have this additional difficulty.

**Mr Wiseman:** I would like to pursue this as well, because the minister has always had some tremendous emergency powers. The previous government in my riding allocated a greenfield landfill site, "Put it there." So this is something that is of major concern to me, and it seems to me that under any emergency power the minister has a tremendous amount of power to do that.

The previous speaker indicated that he would like to go back to the old Solid Waste Interim Steering Committee, SWISC, process, where Metro's power to expropriate in any part of the province would be reinstated and would allow it to expropriate land for a landfill site anywhere. Bill 143 specifically says that Metro can only look in the Metro-York area and that all other areas are excluded from those powers.

I would like you to comment on that, because this is a very difficult decision for me. I think I am the only person in this room who has had the horrendous experience of living next door to Metro's landfill site at Brock West, which has been condemned even by Metro's engineers. My community is certainly not looking forward to having the whole province opened up.

Just to give you an idea, Brock West has about 18 million tonnes of smelly garbage in it. People cannot use their backyards, they are getting sick, and they wanted to open up Brock South, which is on an aquifer 50 metres from a creek. They have 140,000 tonnes of garbage in Brock North, which is leaching, and they wanted to put another 7 million tonnes in P1, which is in the north end of my riding.

When you start talking about opening up the province, you are really opening up a sore point in my riding. I would like your comments about whether we should go back to the old SWISC and open up the whole province to Metro.

**Mr Tomes:** We have 17 landfill sites, and we did a lot of around-the-county studies or open houses, and it came in very clearly. The 17 existing ones are still going to be operating. Not only the local municipal councils but the local people there did not want garbage coming in from anywhere else. There seemed to be quite an issue, and the issue countywide was that it was strictly going to be a county-wide site. The residents where the sites are proposed, the candidate sites, are accepting the fact that it is county-wide, but every time we go to a meeting: "We do not want anybody else's. We will accept Huron county's." We are told we have to listen to the local people. They will accept what is theirs but do not want anything else. I will let Jo-Anne explain.

**Ms Richter:** I agree, and my perception is that if we are looking for a place to dispose of Toronto's waste, we will say that up front and then go and find that place, regardless of whether you are going to look in other parts of Ontario. If you want to look for a place for Toronto's waste in Huron county, as far as I am concerned, that is



fine, but let's be fair to the residents and tell them up front that is what we are doing.

We have spent the last three and a half years going to an awful lot of meetings and open houses talking to a lot of people in the county, and we are telling them what the process is. The credibility of our process and of the master plan process is going to be destroyed because all of a sudden we are changing the rules of the game on them, and that is not fair.

**Mr Wiseman:** Under Bill 143, Metro has been instructed to look for a landfill site within Metro and within York and all other parts of the province are off the table.

**Ms Richter:** Our concern—

**The Chair:** Mr Wiseman, your time is up. Mr McClelland, you have the floor.

0940

**Mr McClelland:** I would ask you to finish your comment in response to Mr Wiseman. Let me simply say that anybody who is here this morning who believes that any previous Minister of the Environment could have directed a site like that is living in a dream world, and I do not think that anybody here is foolish enough to accept that. There is a basic question, why are our problems not already solved? The reality is that there have been some processes in place that need to be fixed up.

We have heard from the previous speaker that an initiative was under way to look at the master planning process and the environmental assessment process, recognizing that these processes needed repair. That is the wheel that is broken; that is the wheel that needs to be fixed.

I say to the people of this area: "Don't be duped into believing that this is a Metro garbage bill. It is not." If the government members are trying to tell you that we are talking about Metro garbage, understand, as you well do, that section 29 says that what cuts one way can cut the other way. This bill can come back to haunt the people of this county and every county across the province of Ontario when the minister, as is blatantly obvious with the introduction of this bill, has no handles and no grasp on what is taking place. We heard that from the previous speaker.

It is totally out of control. It is a hodgepodge of trying to use a Band-Aid as the solution. It will come back to haunt people across this province because section 29 allows the minister to order the people of Lambton county, the people of Sarnia to accept for five years the garbage of wherever. Bear in mind that when that happens, it will take nothing to extend it another five years. Once it is in the door, recognize that can happen. The people of Lambton ought not to be duped into being fooled that Bill 143 is protecting them. In fact potentially it does quite the opposite, and it removes the protection that they have under existing laws, the environmental protection and environmental assessment, and people better understand that the fundamental philosophy of this bill is that the minister says, "I know best, and I will dictate and tell you where it will go."

Planning is based on capacity and knowing capacity and projections. Bill 143 throws that all out the window. I want you to expand on that in terms of how you plan

looking at capacity and looking at your needs and what Bill 143 does to you.

**Mr Tomes:** We cannot plan for Bill 143. Our site is geared for 40 years, but it is also taking into account that we have to phase out the rest of the landfill sites. So it is not as if it is from 1996 we expect every municipality to be coming in there. All the other 16 that are operating right now will be allowed to be phased out, which will take some of them another 10 years. So we are not planning a great big site. We do not have the capacity for Toronto.

**Ms Richter:** Or anyone else in Ontario. Our concern is not with Toronto's garbage; we do not care where the garbage comes from. We do not want it if it is not within the Huron county borders.

**Mr McClelland:** Understood. Thank you.

**The Chair:** We appreciate your coming before the committee this morning.

#### COUNTY OF LAMBTON

**The Chair:** Would the County of Lambton please come forward. As I said to the others, just begin by introducing yourself. You have 20 minutes in total for your presentation, and we would appreciate it if you leave a few minutes at the end for questions. Would you begin now please.

**Mr Kutya:** Thank you for the opportunity to speak to you this morning. My name is Jim Kutya, and I am the administrator of waste management for the county of Lambton. It is important to the county to have this opportunity to speak to the committee since we, including our member municipalities, will continue to deliver waste management services to our residents. Therefore any legislation affecting this service delivery should have our input and comment. The lobbying of the Association of Municipalities of Ontario to have a public review of Bill 143 prior to promulgation is to be commended.

I would like to address some aspects of the proposed bill, particularly those relevant to the county's present situation. I will begin with a brief overview of the existing situation. Bill 35, An Act respecting the Amalgamation of the City of Sarnia and the Town of Clearwater and the addition of the amalgamated City to the County of Lambton, was given royal assent in July 1989. A number of issues were dealt with in this bill, but the one of interest and concern to my department is part VIII dealing with waste disposal. Parts VII and VIII of Bill 35 embody many of the principles of Bill 201, now section 209a of the Municipal Act, which allows county government to assume waste management powers.

Section 49(1) of Bill 35 states, "On and after the 1st day of January, 1991, the county shall provide facilities for receiving, dumping and disposing of waste and no local municipality or local board thereof shall provide such facilities." The county assumed the assets and liabilities of six operating municipal landfill sites on this date. It currently utilizes these six landfills and two private landfills to dispose of its municipal solid waste. As part of its mandated responsibility, the county took a number of initiatives to smooth transition of responsibility at the end of

1990. These included establishment of a waste management department, establishment of a landfill negotiating committee to deal with those municipalities whose landfill sites were assumed by the county on January 1, 1991, and an agreement with the city of Sarnia to jointly make application for an exemption from the Environmental Assessment Act for an interim expansion of the Sarnia landfill, as per MOE policy.

The restructured county of Lambton and the MOE are jointly engaged in a waste management master plan to chart a waste management strategy for the county for a 20-year planning period. The master plan document was scheduled to be completed by the end of 1992 with submission to provincial agencies for review to follow. In order to implement the recommendations of the waste management master plan, especially the landfill component, the county feels a five- to seven-year total time allotment is required. Because of this time lag, at least three municipalities—Sarnia and area, Grand Bend and Sombra township—will require short-term disposal capacity until the long-term plan can be put in place. The county's attempts to find solutions to these short-term needs have been complicated by several factors summarized below.

First, when the ownership of local municipal landfills was transferred to the county on January 1, 1991, the service areas for those landfills did not change to allow the county the most flexibility in handling its new mandate. The county of Lambton made a presentation to the Deputy Minister of the Environment in the early part of September 1990 to request that the service areas of those municipal landfills be broadened to include the whole county of Lambton, allowing for the short-term flexibility required to deal with municipal solid waste as envisioned by Bill 35.

A county-wide service area for these landfills would have enabled, and still would enable, the county of Lambton to most efficiently manage municipal solid waste in the short term while implementing the longer-term goals of the waste management master plan. The deputy minister indicated that the minister did not have the power to change service areas without a mandatory hearing under the EPA. This was not an avenue the county wanted to pursue, considering the projected cost to prepare for and attend such a hearing versus the potential benefit. The change in service areas, if done at no or very little cost, is still an attractive and sensible method of managing our waste in the short term.

Second, the town of Petrolia's landfill site was sold to Philip Environmental just prior to assumption by the county on January 1, 1991. The Petrolia site contained approximately 72% of the remaining landfill capacity available to the county. The time lag, approximately one and a half years, between royal assent to Bill 35 and the date that the county assumed control of the landfill component of waste management resulted in the county's loss of one key disposal site.

Although the county does and will continue to make some use of private sites, the county considers it unwise to become too dependent on the private sector. The county has concerns about using a private landfill, such as Laidlaw's Warwick township site or now Philip

Environmental's Petrolia site, unless the site can be proven to meet the same engineering and planning standards expected of new facilities. There are present and future liability concerns where municipalities use a private site that may not meet current standards. Until the Laidlaw and Philip Environmental sites are proven to be environmentally acceptable, the county intends to limit potential liability by sending only current municipal users to those sites.

Third, in developing the Lambton county waste management master plan export was considered, but the consensus of various county groups, including municipal councils, the public, the waste management master plan steering committee and the waste management master plan public advisory committee, is that the county should deal with its solid waste within its boundaries. The recent experience, in 1990, of Metro Toronto casting about the province for landfills under the guise of the GTA has strengthened local resolve that municipalities need to deal with their waste within their own boundaries. Waste export does little to promote initiatives to change old habits. Thus the export of waste, for example, to the Ridge/Browning-Ferris Industries landfill in Kent county is not an option that Lambton would prefer, either in the short or long term.

Finally, the county's efforts to secure a short-term expansion of the Sarnia site have been significantly delayed by the Ministry of the Environment's lack of staff and resource commitment to expedite review of the application.

#### 0950

I will now elaborate on some of the above issues with reference to Bill 143.

According to the proposed Bill 143, part III, the Interim Waste Authority and its member municipalities will be exempted from the Environmental Assessment Act, the Environmental Protection Act and approvals of the Ontario Municipal Board and/or the Environmental Assessment Board. The intent of these sections, which is to allow the IWA to deal with its waste stream within its own boundaries, is commendable and a position the county has, in the past, strongly supported as a general principle. The problem lies with the perception that Bill 143 is a political solution to resolve the GTA/IWA problem and also an apparent double standard in the application of the legislation.

The county has proposed methods of dealing with its new responsibilities which would provide cost-effective solutions in the short term while still pursuing a longer-term, comprehensive solution through the completion and implementation of a waste management master plan. The IWA, on the other hand, is to be given carte blanche exemption from the same legislation in order to deal with a problem created by the waste management process promoted by the provincial government. This process, the waste management master plan process, because of its convoluted, evolutionary nature, is the cause of crisis in a number of municipalities that elected to follow it with a desire to do the right thing and plan for their future needs. Some thought needs to be given to this issue by your committee for those counties that may wish to assume the waste management powers embodied in section 209a of the Municipal Act. Presumably any county wanting to assume these



powers would do so because of the expected efficiencies from both a cost and management point of view.

Allowing counties the ability to manage the existing short-term landfill capacity in the most efficient manner through broadened service areas would, it seems to me, be a reasonable solution. It is unreasonable to ask these same counties to apply for and incur the cost of seeking other approvals, such as exemptions from the EAA for interim expansions, when a low-cost, straightforward solution is available. I believe counties would be willing to undertake a reasonable process of approval which would involve public consultation and consideration by county council prior to any revised service area approval or implementation. The rationalization of waste within the county boundary utilizing the larger number of small landfills assumed by the county in the short term will allow the county to move towards an orderly implementation of its long-term plans, while at the same time carrying out a systematic closure of these small local sites which will benefit all.

I would therefore like to recommend to the committee that serious consideration be given towards revising Bill 143 to amend the EPA to reflect the need of counties to manage the waste within their control so that upon application by the county and within a defined set of parameters, such as public consultation, the individual certificates of approval of those landfills assumed can be amended to reflect a county-wide, or equally appropriate, service area.

The second point I would like to elaborate on is one which I think is echoed by other municipal experiences in this province. Lambton county has been balancing the completion of the Lambton county waste management master plan with the need for short-term landfill capacity, as discussed above. On the one hand, the master plan, with the cooperation and funding of the MOE, began in late 1985 with a view to developing a long-term plan for handling its waste. The county and its member municipalities did not have a landfill capacity problem at this point. Needless to say, today the county has still not completed its master plan. There are a number of reasons why this is the case.

The MOE had initially committed funding in the amount of 50% with the proviso that the county follow the MOE terms of reference, which were intended to ensure uniformity among master plans. The MOE has been responsive to a number of changes to the plan direction, such as increased public consultation, perhaps because of an unclear overall provincial waste management strategy. These changes lengthened the waste management master plan process such that today the county is without a completed master plan and faces a situation where export of our waste out of county is a possibility. The present situation is aggravated by an apparent lack of commitment by the province to ensure adequate funds are available to complete the plan in a manner that reflects local issues and constraints.

The present Minister of the Environment is focusing strongly on the 3Rs—reduction, reuse and recycling—hierarchy of waste management to achieve targets of at least 25% reduction of municipal waste to disposal in 1992 and at least 50% in the year 2000. The recently established

waste reduction office, which coordinates the master plan functions as part of its mandate, gives the impression that other aspects of the waste management hierarchy are not receiving the same priority as the politically sexy 3Rs issue. Inordinate amounts of MOE staff time and dollars should not be spent on the 3Rs development to the detriment of the remaining established programs, such as waste management master plans. The need for long-term planning should not take a back seat to a current initiative but should be addressed in a manner which allows both to proceed in an expeditious manner. The result of not providing adequate dollars and staff time for review of short-term and long-term planning will be requests from municipalities for Bill 143 types of solutions to their problems. There will be no other choice, since they will have exhausted their remaining landfill capacity by following the process in the belief that it will provide a timely, environmentally correct solution.

An issue closely related to the ability of municipalities to develop waste management systems in an environmentally effective and cost-effective manner is that of flow control. This issue has arisen in Metro Toronto where, as a result of the private sector haulers diverting waste to other landfills within and outside the province, the municipalities' tipping fee revenue, which is used to fund various waste reduction initiatives, has decreased substantially. In the local context, Bill 35, which contains a number of the provisions of Bill 201, did give the county of Lambton limited flow control by allowing it to direct lower-tier municipally collected waste to a given landfill. The provisions of Bill 35 did not address privately collected ICI wastes.

The premise behind "true cost accounting" is that tipping fees be set at a level sufficient to sustain waste management activities with very little outside assistance in the way of tax dollars. With regulations the way they are now, private haulers are able to skim off the best portion of the waste, the ICI—industrial, commercial and institutional—from which revenue is gleaned, through direct charges to that sector on a user-pay basis, and leave the non-generating part of the waste stream—the residential—for the municipality to look after. With the ability to impose flow control, the municipality can control the revenues from tipping fees, enabling it to better finance its waste management initiatives, to the benefit of the municipal taxpayer who ultimately shoulders the cost burden.

On behalf of the county of Lambton, I thank you for the opportunity to speak on the above issues. If there is any further assistance or clarification I can provide, I will do so.

**The Chair:** Thank you very much. We appreciate your presentation. We have just five minutes remaining. We have a request from the parliamentary assistant to clarify and each of the caucuses desires to ask a question. What I am going to propose is that we allow the parliamentary assistant to clarify, ask each of the caucuses to place its question on the table and then you can respond to everything you have heard. If you take some notes, it will probably help.

**Mr O'Connor:** You raised some concerns, I noted, on page 3. Just to get some clarification on it and maybe ease some concerns you have, I will ask Alex Giffen to address them. It may help the matter a bit.

**Mr Giffen:** On page 3 you indicate that part III refers to the activities of the Interim Waste Authority. There is a misunderstanding there. The Interim Waste Authority is governed by parts I and II of Bill 143. The Interim Waste Authority will be expected to follow the environmental assessment process. It is not being exempted from that process. Rather the bill will scope the assessment that will be done by the Interim Waste Authority. Part III deals with the interim measures to provide for extensions of the landfill sites in Peel region and the city of Vaughan, where the Keele Valley site is located. It is operated and owned by the municipality of Metropolitan Toronto. There is some confusion there between the two parts of the legislation.

**Mr Ramsay:** Thank you very much, Jim, for your presentation. I am pleased that you are happy to have the opportunity today to do this and to have this public consultation. I just want to state for the record here in Sarnia that if it had not been for the Progressive Conservative caucus and the Liberal caucus we would not be here, because the government members did not want to have public hearings. I think it is important too and I hope it is not a waste of time. I hope your words are going to be taken seriously.

**Mrs Mathysen:** I know that the waste reduction office is currently streamlining the master planning process to address some of the concerns you mentioned. Have you been in touch with the waste reduction office? Have you had any discussions with them about this streamlining process?

**Mr McLean:** The questions I have, which you can write down and get back to me on, are how much did the county pay for the landfill sites it got from the other municipalities, how much did Petrolia get for its site that was sold and where is Sarnia's hospital waste going to?

**The Chair:** There are approximately three minutes remaining, if you care to both respond and sum up in that time.

1000

**Mr Kutya:** All right. Maybe I will speak to the waste reduction questions first. We do have an adviser from the waste reduction office, Juanita Berkhout, and she has kept the committee up to speed, mainly over the fall of last year when a lot of the intensive committee work was being done that Mr Snow referred to. We have not seen anything come forth from the waste reduction office yet in the way of what those amendments are going to be. We have heard verbally what they are but not had them in writing. I think a lot of the amendments are not going to impact the county, because we are fairly far enough along with our master plan and we have been responsive to the 3Rs issues to build them into the plan over the last couple of years since Mr Bradley brought forth the 25% and 50% reduction issues. Did that answer that? Carry on? The other easy questions?

**The Chair:** Yes. The time is yours. I will let you know. We have about one minute remaining.

**Mr Kutya:** Okay. On the municipal landfills that were assumed by the county, the county has established a landfill negotiating committee which has over the last year and a half met with the individual municipalities to resolve this issue of assets and liabilities.

The problem has been that in Bill 35, and I think also in Bill 201, it says that the assets and liabilities assumed are to be determined by regulation. The regulation that came forth from Municipal Affairs in September 1990, I think it was, basically said it would be market value of those landfills. We have a few landfills that are closed. It is pretty tough for us to go out to determine a market value for those sites. You cannot put them on the open market. Who in his right mind is going to buy them? All they are is a liability.

The deal that was worked at the Petrolia site was a fairly complex deal. Basically the town was given \$300,000 up front, with the contingency that every tonne of waste that goes into that site under the current service area would glean them \$10 a tonne. If the company, Philip Environmental, was successful in expanding the service area to all Ontario, as it still wants to do, the town would glean \$20 a tonne from that waste. So it is a little bit more complex.

**The Chair:** I would like to thank you very much for coming before the committee this morning. If there is additional information you would like to share with us in response to some of the comments or questions that have been made, please feel free to do so in writing. We very much appreciate your taking the time.

#### CITY OF SARNIA

**The Chair:** I would like to call our next presentation, the city of Sarnia. Please come forward. You have 20 minutes for your presentation. Please introduce yourself. Welcome to the standing committee on social development.

**Mr Bradley:** Thank you very much, and welcome to Sarnia. It is a pleasure to have a standing committee in the city. We are often overlooked in these types of discussions, so we do appreciate your coming to Sarnia. Like your first speaker, I have been watching the deliberations of the committee on TV late in the evening, which tells you a little bit about my social life.

**The Chair:** Someone told me they thought they were better than drugs for falling asleep, better than a sleeping pill, a cure for insomnia, but I did not agree at all. I thought they were very interesting.

**Mr Bradley:** Madam Chair, I would not say that. It is a toss-up between the weather channel and your hearings.

[Laughter]

**Mr Bradley:** But I say that with respect.

**The Chair:** Thank you.

**Mr Bradley:** It is the nature of the subject we discuss today.

**The Chair:** Hansard will note the laughter, please. Thank you.

**Mr Bradley:** It is the nature of the topic, but it is a very important topic, and I think it is very hard for us as



political people to get the message across to the public about how important this is.

**The Chair:** Yes, it is a point well made.

**Mr Bradley:** I serve as chairman of the environmental committee of AMO, and we have presented a full brief on this issue to you. I do not intend today to go through this brief again. I do have a member of the committee here, Dawn Erskine, who is a member of London council, who also was involved in the presentation of this document. We have presented the document to Ruth Grier, and we also have made a presentation to your committee through our president, Helen Cooper.

Reading the bill indicates quite clearly that the provincial government is admitting that the environmental assessment process as it now exists does not work for waste management and for siting landfills. All municipalities want is a fair and equitable treatment for all communities in Ontario, not legislation that is specific to the greater Toronto area and ignores the enormous and complex problems we are facing throughout the province.

I have been on the waste management committee of Lambton county for the last six years. The process we have gone through has been one that is frustrating, expensive and time-consuming, with little progress in the actual siting and bringing about of a new landfill site. Community after community, county after county is dealing with different rules, interpretations and extremely expensive consultant and legal bills, without a dime of it being directly invested in environmental protection.

I give you the example of our own landfill site in Sarnia, which is now operated by the county. We are less than two years away from closure, and we are receiving no special treatment from the province. We believe we fit the definition of a crisis, yet our needs are being ignored, as are many others of the 80 landfills that are near closure in this province that do need extensions or special consideration.

In the last two or three years—and that is why you see so many people here today—this county has been barraged by different proposals to service Toronto waste. I joined county council last year as the first mayor from the city who has sat there for 77 years, and I joined with a vote of 40% representing the old city. On five different occasions, we had to fight back efforts to look at proposals to bring in Toronto waste to this area. I understood the reason why county politicians were looking at those options. It is because of this process that has frustrated them, and the expense. All we are looking for in Lambton county is to deal with our own problems and landfill sites in a simple, straightforward and inexpensive manner which at the same time safeguards the rights of our citizens and builds on environmental protection.

I do not intend to dwell on parts I or II of the act. However, it is part III that causes a great deal of concern for any municipal politician. I do not want to sound alarmist, but I believe the ability of the provincial government to override municipal agreements and many other environmental laws regarding the siting of environmental assessments for landfills is a dangerous power to put in the hands

of any government without appropriate protection for the ordinary citizen.

The fact that you are here today and there have been a large number of municipalities, lobby groups and environmentalists who have spoken against this bill tells you the greatest flaw is the fact that there was absolutely no consultation with the impacted parties prior to the introduction of the act. This concern was drawn to the minister's attention at our January 20 meeting and she indicated there was a serious gap in the communication process and it would not happen again. Consultation is something we believe is crucial if we are to continue to work as partners in resolving some of the serious environmental problems we face.

I will say to you that after the minister's comments, we have been dealing with the Ministry of the Environment and the minister's staff on different other environmental legislation and I detect a great change in attitude. There has been, I think, a willingness by the minister and the minister's staff to make a sincere effort to work with us at the beginning of the process on legislation and not at the end in reaction to entrenched positions and legislation.

While I appreciate that the committee is visiting to listen to us across this province as municipalities, we believe the legislation would have been much better and more acceptable to all the interested parties if there had been a great deal more provincial-municipal dialogue before it was introduced in the Legislature.

I also want to point out to you—I know many of you are former municipal politicians and you are aware—that we are not a special-interest group. Municipalities represent the same taxpayers and constituents you do as elected politicians, and we believe we should have the same rights of input on legislation that directly impacts on our ability to govern and has severe economic impact on our taxpayers.

The simple solution is to guarantee consultation with any party that is directly impacted as a required practice in provincial legislation. It does not take away the rights of the province, but I think it brings about better legislation, as long as the consultation is not window-dressing, simply to exchange views. I think it has to be a true building of legislation from the ground up.

There is no question that the Environmental Assessment Act and the waste management master plan and their procedures do not work for the identification and siting of Ontario landfills. There is a crying need for a new Waste Management Act which is separate from the Environmental Assessment Act. The very introduction of Bill 143 indicates that my previous comments are correct, with a specific solution to a particular political problem in the Toronto area so the Interim Waste Authority does not have to explore alternatives, something all other municipalities have to do.

There are too many possible overrides in Bill 143 and they are too selective, as they create the possibility of omitting the environmental assessment process for three sites in the greater Toronto area, which is grossly unfair, as it selectively deals with the problems of three municipali-

ties in the greater Toronto area and does nothing to address the many other communities, including the Halton area, the county of Wellington, the city of Kingston and Lambton county, that are also experiencing similar, if not more serious, waste management and landfill siting difficulties. I believe the regional municipality of Durham and the municipality of Toronto do not have crises for the landfills named in this act, and I believe the statistics at the present time support that.

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In November 1991, at a meeting between AMO, the Ministry of the Environment and the minister's staff, it was noted by the minister's staff that the only landfill site in immediate crisis was the Britannia sanitary landfill site in the region of Peel. The Britannia site is scheduled to close in May or June of 1992. The Keele Valley site in the regional municipality of York has benefited from significant waste reduction and does not appear to be in a crisis situation at this time. In fact, there is information from Metro Toronto that indicates Keele perhaps will not reach capacity until 1999. There are many other communities that have landfills that will reach capacity prior to the ones for which this act has been introduced.

I sincerely question the need to railroad this legislation through the House without proper consultation with all the parties so we can fully understand and explore the ramifications, environmentally and financially. I would suggest to you that the best solution is that the minister deal directly with the Britannia situation while developing a new Waste Management Act which applies equitably and fairly to all Ontario communities, and also to define to us what is a crisis situation.

If you ever wonder why there is alienation in northern Ontario, southwestern Ontario and eastern Ontario towards Metro Toronto—or the province of Toronto, as it is commonly called by us—this legislation is a classic example of why. Our taxpayers are being treated differently than the taxpayers of the Toronto area, without any effort by the provincial government to address the overall process of environmental assessment and waste management where all municipalities would be treated fairly and equally.

There is a great deal of intermingling throughout this legislation of the responsibilities of municipalities and the province. As you know, there is a process under way between the province and the municipalities right now called disentanglement, a process we have high hopes for in eliminating waste and duplication in government. This legislation should be part of those discussions.

While there have been some changes made by the minister to the bill—and I congratulate her on doing that; I think they addressed some of the concerns we had in certain areas—I do not believe it changes the fundamental concerns about Bill 143. A simplistic way of stating it is that the province seems to want to govern the rules of waste management and environmental assessment but pass the financial responsibilities to the municipalities. That is not my definition of a partnership or fairness. We would prefer to see that before there is any further movement on the financing of the waste management system or any of the initiative papers presently released, we have

the ability as municipalities to fully understand all the financial impacts of the proposed changes before they are introduced.

In conclusion, I would simply suggest that you recommend the bill be withdrawn and you work with AMO and the municipalities and the other interested groups to develop a Waste Management Act separate from the Environmental Assessment Act which addresses solid waste management for Ontario municipalities and which applies equitably and fairly to all Ontario communities. Do not proceed until the Ministry of the Environment and the Ministry of Municipal Affairs paper on statutory authority for communities is presented to municipalities in 1992 and we have completed the process and the issues have been resolved between us.

**The Chair:** Thank you very much for an excellent presentation. I have a number of people who would like to ask some questions. In total there are 10 minutes. I am going to suggest three minutes for each caucus and one minute to allow the mayor to sum up at the end. First is Mr Wiseman.

**Mr Wiseman:** Thank you, your worship, for your presentation. I would like to point out a couple of things, though. On page 3 you say, "I can tell you quite clearly, the citizens of this area do not want Toronto waste," and then on page 9 you say the bill should be withdrawn. If this bill is withdrawn, Lambton county is back on the table for Metropolitan Toronto's site selection search. There are no ifs, no ands and no buts; that is the result of the withdrawal of this bill.

The reason I am saying this is because the first three quarters of this bill deals with the restriction of Metropolitan Toronto to have to deal with its garbage close to home. That is the philosophy of the bill and that is the direction that is written into the bill. The withdrawal of it means that all of Ontario is back into the hopper, including, incidentally, my riding, which I have a great deal of difficulty with. I do not know if you were here earlier, but the audience has heard that Metro has proposed four landfill sites in my riding, one with about 16 million tonnes in it and another with 143,000 tonnes of garbage in it. So this is of major concern to my residents, who are absolutely fed up with Metropolitan Toronto's mismanagement of waste. They welcome the parts of this bill that restrict Metropolitan Toronto's site selection to the area closest to it. To withdraw the bill, as the opposition has suggested and as you have suggested today, would result in all of Ontario being back on the table, including Lambton county.

**Mr Ramsay:** Bring another bill in.

**Mr Bradley:** I would like to suggest the dilemma to Mr Wiseman. We have been under this pressure for the last three years anyhow and we have been prepared to use all the different legislation we can to prevent the importation of Toronto waste. This bill, by being selective in some of the overrides—and they are there, but I have faith. I think Mrs Grier is a minister who has an inner belief that she will never have to use some of the overrides in the legislation. However, ministers change and governments change.



I am very concerned that the rules are going to be selective. As I said, our side is going through a crisis, if you want to define crisis by length of time. We are under this pressure anyhow as it relates to Toronto waste. I would prefer to see legislation that addresses all the concerns and is not hurried through the House. That is part of the problem we have right now with the Environmental Assessment Act and the Waste Management Act. Bits and pieces of legislation have been put together over the years, and I have not met one party at the provincial or the municipal level that thinks those acts are functioning. If we have to wait six months, the government has the power to hold back any application for bringing in Toronto waste in the meantime, but let's have the best legislation possible.

**Mr McLean:** I am curious to know where the garbage and waste from Sarnia hospitals are going. Does all your garbage go to the landfill site?

**Mr Bradley:** That is a question I cannot honestly answer. I believe one of the hospitals has an incinerator. I am not sure where it is disposed of. It could possibly be the Sarnia landfill site; I honestly do not know.

**Mr McLean:** You spent a fair bit of time talking about waste and duplication. The briefs we have had so far have been printed on both sides of the page. You have nine pages printed on one side. Why would you not have it printed on both sides?

**Mr Bradley:** I stand chastised.

**Mr McClelland:** You indicate in your brief that taxpayers are being treated differently outside Toronto. I would hasten to add that taxpayers within the GTA are being treated differently as well. There is a mix of rules, principles and procedures within the GTA as well. I suppose it depends on what day of the week it is and how the minister might be feeling on that particular day. God forbid that some day some terrible guy like myself should be sitting, as my friends would say, in the minister's chair.

**Mr Ramsay:** Or Murdoch.

**Mr McClelland:** Or big, bad Bill Murdoch, whom I want to welcome here.

I think you are right. I think Mrs Grier is committed in terms of environmental principles, but the very principles that are embodied in Bill 143 could be used by somebody to our detriment.

One of the things I want to touch on very briefly—and I hope it is not indicative of what is happening with this committee hearing—is that Mr Wiseman just talked about the disaster that would befall us if Bill 143 was withdrawn, but the government is saying, "We'll only hear what we want to hear; we'll only see what we want to see." The rest of your statement talks about developing a Waste Management Act separate from the EAA which addresses the problem. Bill 143 does not address the problem, your worship, I agree with you. What we are hearing from the government is: "Don't pull Bill 143 because disaster will befall us. The sky will fall down upon us." It is not listening to what you are saying. You and others are saying: "Let's deal with the problem. Let's fix the wheel that is

broken." I say to the government members, listen to what people are saying here today.

I share your concern too, sir, about being told what to do by a minister, whoever he or she may be in the future, yet being charged with the responsibility of picking up the tab. I wonder if you might comment a little bit further on that.

**Mr Bradley:** I think that is part of this whole disentanglement process. Municipalities really have a sincere belief, working with the former government and with this government, that we need to separate the roles of government. We also need to deliver programs better and not work in conflicting positions. More and more, we are seeing legislation or initiative papers that really say, "We want you to do this and this; however, you will find the money from your local property tax base to support these initiatives." I do not think that is appropriate.

For example, in Lambton county we are spending millions on deciding on a landfill site and we are not achieving anything. We are probably seven years away from it. We are not getting any direction. We have to guess continually at the direction of what they will look for when we get to the board. The cost to our taxpayers is horrendous. That is why county politicians often look at these off-the-wall proposals for gravel pits and greenfields and everything else, because they are concerned about the economics, even though they are not environmentally correct. It is the costing factor. I do not mind responsibility, but I want to be part of making the decisions on what responsibilities we take on as municipalities. We are not right now, at least with some of the initiative papers.

**The Chair:** There is about a minute remaining, if there is anything further you wish to sum up or suggest to the committee.

**Mr Bradley:** Once again, just to reiterate the position, we believe the bill could be a much better bill by withdrawing it, whether you do it through this process or simply by bringing us all together and we hash this all out, but there are some solutions which we think would rectify this legislation. There are many good things in the legislation; I do not deny that, but I think that is not in question. It is that some of the pieces of this legislation are draconian enough that they could cause some real problems for Ontario communities in the future. Once again, thank you for visiting Sarnia.

**The Chair:** As I have said to others, if there is any additional information you would like to share with us over the course of our deliberations, we would be pleased to hear from you in writing. The committee starts clause-by-clause March 9 and will conclude that week. We look forward to hearing anything anyone would like to share with us during that period of time. We are delighted and pleased to be here in Sarnia. I want to thank you for your hospitality and for sharing your presentation with us this morning.

**Mr Bradley:** If I make any further presentations in writing, I can assure you they will be doubled.

1020

COUNTY OF KENT  
TOWNSHIP OF HARWICH

**The Chair:** I would like to call our next presentation. The next 20 minutes is being shared by the county of Kent and the township of Harwich. Please come forward and introduce your delegations. You have 20 minutes in total. Begin your presentation now. We would appreciate it if you leave a few minutes at the end for questions but that is up to you. If you wish, I will try to give you a couple of minutes to sum up at the end.

**Mr Rankin:** Thank you. I am the deputy reeve, township of Dover, representing the county of Kent. The county of Kent, as an active member of the Association of Municipalities of Ontario, wishes to emphasize that as municipalities are the local level of government and because they are responsible for solid waste management, they should have been consulted before the provincial government introduced Bill 143 into the Ontario Legislature.

The county acknowledges that the Honourable Ruth Grier, Minister of the Environment, did in her introductory remarks to this committee propose amendments to the legislation which address two preliminary concerns raised by AMO, namely, (1) leaving the minister responsible for emergency waste management orders rather than allowing delegation of this authority to directors, and (2) removing the emergency power presently in the bill to order a municipality to assess waste management needs and prepare plans, a power that did, in Kent county's opinion, represent intrusion on municipal authority.

Even though we appreciate the initial steps taken by the Minister of the Environment to address issues raised, the county of Kent submits that the provincial government should work with AMO to develop a Waste Management Act separate from the Environmental Assessment Act which addresses solid waste management for all Ontario municipalities and which applies equitably and fairly to all Ontario municipalities.

The county of Kent is concerned that the provincial government, through Bill 143, is establishing one set of rules for three municipalities within the greater Toronto area and another set of rules for all other municipalities.

The county of Kent is concerned that Bill 143 has far-reaching implications for waste management jurisdiction. In the first instance, it raises many concerns about the Minister of the Environment's right to unilaterally assume responsibility for an area which has traditionally and legally been overseen by municipalities. Kent county is particularly disturbed that these municipal powers have been assumed with no prior consultation with municipalities. In the second instance, we are concerned that the Minister of the Environment's action places a cloud over the ongoing discussions among the Association of Municipalities of Ontario, the Ministry of the Environment and the Ministry of Municipal Affairs relating to legislative changes which deal with municipal legislative authority for waste management.

It is the county's submission that Bill 143 should not be allowed to proceed until the Ministry of Municipal Affairs

paper on statutory authority regarding waste management for municipalities is presented to AMO, and issues identified as the result of the consultation process have been resolved.

The county acknowledges there is a need to address the specific crisis situation in the region of Peel and recommends that separate measures be adopted to deal with this matter. Presumably this would allow the provincial government to meet with AMO and deal with the concerns raised by that organization on behalf of municipalities across Ontario.

In the event that the government decides to proceed with Bill 143 without further consultation with AMO, it is the county of Kent's submission that the following issues need to be addressed:

Clause 23(2)(k) of Bill 143 provides the minister with the authority to "establish and operate, use, alter, enlarge and extend waste management systems or waste disposal sites," a further intrusion in the municipal arena. It is the county's submission that clause 23(2)(k)—

**The Chair:** Excuse me for one minute. I am going to ask all those people who are here to observe and who are not observing if they would have their conversations outside the room so the members of the committee can pay attention to this excellent presentation. Mrs Mathysen, please have your conversation outside the room. Would you begin now. I will not deduct that from your time.

**Mr Rankin:** It is the county's submission that clause 23(2)(k) be amended to read: "in the absence of suitable alternatives, establish and operate, use, alter, enlarge and extend waste management systems or waste disposal sites." The county of Kent is concerned with the proposal to repeal section 29 of the Environmental Protection Act and replace it with legislation that may require a municipality to collect or transport waste, including waste from sources outside its boundaries, and accept, process or otherwise deal with waste specified in the order, including waste from outside its boundaries. The county acknowledges that there may be situations where it is necessary and even advisable to export waste. However, in the event the host municipality requests, the capacity used through the exercise of a ministerial order under section 29 should be replaced at no additional cost to the host municipality.

It is the county's submission that clause 29(2)(c) is not required and should be deleted.

The county of Kent notes that funding of waste management is primarily a municipal issue and questions the intrusive nature of clause 33(2)(j), which allows the province to govern the manner in which municipalities carry out the financial management of their waste management activities. Obviously, this has far-reaching implications for municipalities.

It is the county's submission that clause section 33(2)(j) of Bill 143 be deleted.

The county of Kent is concerned that there is no provision for financial assistance to municipalities faced with meeting the minister's requirements under Bill 143. It is our understanding that the Ministry of the Environment is expected to release another initiatives paper on who pays



for waste management in early 1992. It is impossible for the county to completely assess Bill 143 and the proposed regulations until such time as the Ministry of the Environment releases its position on the financial arrangements that will be required. In addition, the county is concerned that the Ministry of the Environment intends to proceed with its initiatives on who pays without any acknowledgement of the disentanglement process that AMO and the provincial government are conducting to examine and realign the financial responsibilities of the provincial and municipal levels of government in Ontario.

It is the county of Kent's submission that municipal-provincial discussions regarding funding of waste management should be set in the context of disentanglement.

The county of Kent is concerned that sections of Bill 143 override the Environmental Assessment Act, the Planning Act, agreements binding on municipalities, the Ontario Municipal Board Act and the necessity for hearings under the Environmental Protection Act. Citizens and municipalities have a number of rights under existing legislation.

It is the county of Kent's submission that Bill 143 sets a dangerous precedent for Ontario, since these overriding sections remove every protection available to municipalities and citizens under the Environmental Assessment Act, the Environmental Protection Act, the Municipal Act, the Planning Act, the Ontario Municipal Board Act and other legally binding agreements that may presently be in place. Surely a provincial government that espouses concern for citizens' rights would not introduce legislation of this nature without providing an alternative.

Finally, the county notes there is a reference in clause 14(2)(a) of part II of Bill 143 to the minister's preference that there be no incineration or transportation of solid waste from the primary service area to any other area. In fact, the minister's statement to this committee on January 20, 1992, makes it very clear that incineration is ruled out.

It is the county of Kent's submission that unless the Ministry of the Environment can provide empirical justification for the deletion of the options of incineration and transportation of solid waste in clause 14(2)(a) of part II of Bill 143, these provisions should be deleted from the bill.

The county of Kent does appreciate this opportunity to address our concerns regarding Bill 143 and recommends that the standing committee on social development urge the Minister of the Environment to work with the municipalities in Ontario to develop a new Waste Management Act that would address the waste management and landfill problems faced by all municipalities and that would apply equally and fairly to all municipalities in this great province of Ontario.

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**The Chair:** How would you like to proceed? I know you are sharing your time. Would you like to just continue now? Please introduce yourself.

**Mr Hawryluk:** My name is Jim Hawryluk. I am a councillor of Harwich township and I am chairman of the environmental committee. On my right is Mike Phipps, administrator of the township of Harwich.

The township of Harwich appreciates the opportunity to appear before the standing committee on social development as it continues its public hearings on the Waste Management Act, Bill 143. The township is the host municipality to two privately owned regional landfills serving a large part of southwestern Ontario. The township has been actively involved for the past 25 years fighting, negotiating and monitoring the development of these two sites. The citizens of this township, through their actions and the efforts of the township council, have had a significant impact on waste management policies in this province for the past 15 years. For these reasons, the township council felt compelled to have me appear today to express its concerns regarding the legislation proposed by the Minister of the Environment.

You have previously heard some of these concerns expressed by the Association of Municipalities of Ontario and the county of Kent. We bring to you the concerns of a small municipality and its citizens who respectfully remind you there is more to the province of Ontario than the GTA.

It is reasonable to expect the Minister of the Environment, wearing the hat of the minister responsible for the GTA, to move so forcefully to protect the interests of one of her ministries. However, we understand and sympathize with the concerns of those in the surrounding communities of the GTA who strongly oppose the contingency measures proposed by the ministry. The ministry has suggested those groups and individuals who oppose the interim disposal measures will have their concerns taken into full account. We caution and urge your committee to separate the legitimate concerns from those of the not-in-my-backyard group.

We urge you to listen carefully to the concerns of the Association of Municipalities of Ontario and to all municipal representatives appearing before you. We have the hands-on experience and will work with the minister, if given the opportunity, to move towards a conservator society.

Specific concerns regarding Bill 143: The township of Harwich cannot proceed without specifically addressing the ministry's apparent attempt to circumvent the public consultation process by proposing that this bill be rushed through the Legislature and passed on December 19, 1991. It is just such action that has led to the erosion of this ministry's credibility over the past 10 years. The five or six weeks allowed for public hearings by your committee has certainly not been well publicized, particularly in the municipal sector outside the GTA, and only through the good graces of the county of Kent and your committee clerk were we able to appear today. We all must ensure the proposed regulations are not handled in a similar manner.

The township of Harwich agrees with the AMO response and recommends that Bill 143 be tabled until full consultation can take place with all municipalities and certainly prior to further legislation, policies or regulations being introduced.

The following are some of our concerns:

1. If the minister feels it is imperative to proceed in the matter of the Britannia sanitary landfill site in the region of Peel, emergency powers are currently in place for such action. However, it must be emphasized that there are

many municipalities in this province, outside the GTA, which are in a similar crisis situation. The township of Harwich suggests interim measures can and should be implemented rather than allowing passage of Bill 143 in its current state. We suggest the legislation is discriminatory in exempting GTA municipalities while forcing all other municipalities to fully comply with the time-consuming and expensive approval process under the Environmental Assessment Act.

2. The township of Harwich notes that the minister has decided to assume the powers, originally intended to be delegated to a director, which provided authority to order municipalities to collect or transport waste from outside the municipal boundaries to a local waste disposal site. The township realizes that having this decision-making at the ministerial level will result in more political accountability. However, the township is very concerned that in order to provide this political accountability and to reduce the time and money spent appealing directors' decisions, the approvals process will be accelerated at the expense of municipalities which will no longer have the right to hearings and appeals from governmental orders.

3. The township of Harwich is concerned that Bill 143 grants too much authority to the Ministry of the Environment to adopt regulations, again presumably without significant public consultation, which would have the effect of denying municipalities the rights to hearings.

For example, Bill 143 provides that cabinet may by regulation deem a certificate of approval to exist in respect of a waste management system or waste disposal site. It appears to the township that deeming existence of a certificate circumvents the requirements in the act for notice, hearings and appeal.

Subsection 136(4) would permit the ministry to adopt a regulation regarding the financial management of waste management activities by municipalities. The minister has indicated that the section is intended to debunk the myth of cheap waste disposal by taking into account the costs involved in wasting energy and resources and in the environmental damage that results from excess consumption and careless disposal. The township's concern is that the ministry will have the authority by regulation to commit municipalities to expenditures and financial reporting well beyond the means of most municipalities in the province. The township of Harwich, as earlier stated, recommends the bill be tabled until all draft regulations are prepared and full public consultation is undertaken.

Other proposals in subsection 136(4) propose extensive intervention to require municipalities and such other persons as may be specified to comply with mandatory waste management standards and establish mandatory programs and facilities. The minister has repeatedly stated that another initiatives paper on funding for waste management will be released this year. In the absence of clear responsibilities for financial management, the township of Harwich insists Bill 143 and all regulations be tabled until it is established who pays. This committee is fully aware of the joint AMO and provincial government undertaking to review the disentanglement issue and to examine the responsibilities of each. The township of Harwich agrees

with the submission of the county of Kent and AMO that municipal-provincial discussions regarding funding for waste management should be set in the context of disentanglement.

4. The minister has made it very clear that local responsibility means, among other things, assuming full charge of waste in the communities where it is generated and dealing with it effectively in the community. The township of Harwich is unsure if the minister has suggested that all urban areas are responsible for waste disposal within their respective boundaries. If this is the intention of the minister, and it clearly seems to be the ministry's GTA waste strategy, will the next logical step be to have each municipality have its own jails, universities, libraries, etc? These are no more logical than having each municipality deal with waste within its own boundaries. The township suggests "community" must be defined.

The township of Harwich submits that the preservation of farm land policies will be sacrificed for annexation to urban areas in order to achieve the conserver society suggested by the minister.

5. The township of Harwich agrees with the county of Kent that the minister must provide justification for her outright rejection of incineration and the export of waste as acceptable alternatives. The minister speaks of environmental hazards associated with incinerators, yet does not make the commitment to have her ministry undertake research and development of such systems to verify her claims.

This is not to suggest that incinerators replace our goal of establishing a conserver society. The minister has suggested only reduction, recycling, reuse. Other landfill sites need be considered in the future, because incineration and export of waste are not acceptable alternatives in her opinion. The township of Harwich suggests we must be prepared to consider all alternatives without allowing the personal preferences of the minister to override these considerations.

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6. The minister, in her comments to this committee on January 20, 1991, indicated that the transporting of waste from one municipality to another is a throwback to the days of "out of sight, out of mind" garbage dumping. The township of Harwich agrees that the transportation of domestic and ICI waste from one municipality to another in the long term contradicts the province's waste reduction goals. The township is pleased the minister intends to place a five-year limit on the transfer of waste beyond municipal boundaries. However, the Ministry of the Environment must be prepared to address the issue of disposal of post-recycling wastes. It is the township's opinion that these wastes will continue to be transported beyond municipal boundaries.

7. The township of Harwich feels Bill 143 goes too far in overriding the Environmental Assessment Act, the Environmental Protection Act, the Planning Act, the Municipal Act, the Municipal Board Act and all other legally binding agreements which exist between municipalities. The township of Harwich submits that these provisions remove every protection available to municipalities and citizens.



The township of Harwich is concerned that exempting sites from these acts or agreements will jeopardize existing and future agreements which provide to the local citizens safeguards and benefits such as property value protection plans, provision of municipally treated water, compensation agreements and intervening funding agreements, among others, which citizens and municipalities hosting landfills have the right to expect. The township agrees with the previous speaker; surely a provincial government that espouses concern for citizens' rights would not introduce legislation of this nature without providing an alternative.

**Conclusion:** It has only been in the last 10 years that citizens have achieved the right to fully participate in major environmental decisions affecting them. However, to achieve her goal of a model post-consumer society, the minister intends, regardless of cost, to compel social change by regulating municipalities. The township of Harwich emphasizes that the disentanglement issue, so heavily promoted by the Ministry of Municipal Affairs, is contradicted by this bill. The proposals will force municipalities into open-ended increases in waste management expenditures at a time when costs are escalating in other vital areas.

A municipal council's ability to allocate that small proportion of municipal revenue still remaining within its discretion will now be eliminated. We hope the government will reconsider and proceed with a more measured, moderate and progressive approach that respects rather than ignores democratic principles and municipal autonomy. Thank you.

**The Chair:** Thank you very much. We appreciate your coming before us this morning. We very much appreciate your thoughtful presentation and would encourage you to continue to communicate with us in writing if there is additional information you would like to share with us.

#### CONCERNED CITIZENS AGAINST INCINERATION

**The Chair:** I would like to call our next presentation, Concerned Citizens Against Incineration. Please come forward. You have 20 minutes for your presentation. Would you begin now, please.

**Ms Clarke Larson:** Thank you. My name is Elizabeth Clarke Larson. I live in the county of Lambton on a farm. I am the chairman of Concerned Citizens Against Incineration, a member of Lambton Wildlife, Rural Action on Garbage and the Environment, and the Warwick Watford Landfill Committee. I am also an associate of the Holy Cross Centre of Ecology and Spirituality at Port Burwell. I have served on a public advisory committee on landfill selection for Lambton county. I am also a registered nurse.

Today I speak to you as chairman of Concerned Citizens Against Incineration. I should not need to remind you of the perils of incineration; however, I will. First, let's talk about waste or garbage disposal. Though we speak of garbage disposal, we really do not dispose of waste. It is simply moved from one place to another, or we cover it over so we cannot see it, or we change its composition and it becomes ash and emissions, but it is still there waiting to

be put somewhere, is it not? Eventually it is released into the environment.

Waste treatment also is not really a treatment. It consists of moving the garbage or waste, if you like, from one part of the environment to another, or we change it from one type to another. In incineration, the volume may be reduced but the garbage is not eliminated altogether. It has merely changed its composition. There is still matter to be dealt with. I would use the word "disposed," but we do not really dispose of it. It is still there, only changed in form, and more toxic. Simply put, incineration does not dispose of garbage. It merely changes its form and, as a result of the burning, the air becomes foul, as does our land and water and the life around us.

**Consider this:** Our garbage goes into a plastic bag. In that bag there are some batteries. The plastic bag goes to the incinerator and is burned. I know that the proponents of incineration tell us these batteries would never be in the garbage burned. However, you tell me how a spot check is going to find a battery used in watches or hearing aids and those tiny AAA batteries. It would take a lot more than a spot check. It would take sorting through the garbage by hand.

Anyway, back to the scenario. The plastic bag is burned. Plastic melts to form dioxins and the dioxins are released into the smoke and go up the stack. The filter collects most of the dioxins if the incinerator is operating the way the proponents state it will at its optimum condition. The filter collects most of the dioxins and they become fly ash. The batteries melt and leave toxic metal, cadmium, in the bottom ash. The ashes, fly ash and bottom ash, are mixed together in an effort to reduce the toxicity of the fly ash. If it is below a certain standard it goes to a domestic or community landfill site.

Water seeps into the landfill and carries the dioxin and cadmium into the leachate lagoon. It overfills due to heavy rainfall and runs off into the drainage ditch, which goes to the creek, which flows to the lake or river. The pipeline for a water treatment plant goes into the same lake or river. This does not just happen once; this is an ongoing thing. What about the cumulative effect? What about the interaction with the other substances in the air and water?

Let's go back to the landfill site. Let's say it is a secure site, meaning that it cannot leak. I do not believe there is such a thing. However, for the sake of discussion I will say it is secure and that it does not leak. All the leachate is collected. What do you do with it? It has to go somewhere. If it is toxic, it goes to a hazardous waste treatment plant.

But there really is not a treatment that destroys the toxic substances or the dangerous levels of metals, so it is put out of sight and we are made to believe that it has gone away and that it has been destroyed and is gone. Perhaps for some that is true, because it has left their community. But for us it is not true, for this community has a hazardous waste site. Waste can be dumped and forgotten but it never goes away. It is still there.

Back to the mixed ash that I spoke of if the garbage is burned. If upon testing the ash is above the acceptable level, then the ash goes to a hazardous waste facility. There

it is buried in a safe landfill. You already know what I think of that idea.

Meanwhile, this ash is flying about in the air as it is transferred from the incinerator to the transport vehicle. Then during the transportation some more ash flies out into the air and again at the hazardous waste facility as it moved from the vehicle to the landfill. Each time it is handled there is further contamination of the atmosphere, the dioxins and the cadmium being strewn from the incinerator to a hazardous waste facility or landfill, and there is still waste to be put somewhere.

The products of incineration are toxic and cause all sorts of health problems. For this discussion I am only highlighting dioxins and cadmium, because they are some of the worst kind.

Dioxins are not naturally found in our environment. This was suggested by one proponent of incineration when he was doing a presentation I attended. "Both dioxins and furans are unwanted byproducts of combustion, created by anything that burns." That is from page 82 of *The Silent Earth*, by David Israelson.

This is a further quote from him: "The reason dioxins are referred to as deadly is that the worst form, 2, 3, 7, 8-TCDD, is 10,000 times more deadly than DDT. A dose of one two-hundredth of a drop can kill a 70-kilogram man or woman. By contrast, it would take 400 drops of arsenic to do in the same person, or half a cup of bleach."

Dioxin is a mutant. It causes birth defects and genetic changes. It causes miscarriages, skin conditions and cancer. It is also under study for causing impotence as a result of the spraying of Agent Orange. Copies of this research can be obtained through a clearing house in Toronto. I did not have time to run copies for you today.

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Not only does incineration pollute through air emissions; the fly ash left over goes to landfill, where it pollutes the land and leaches into our waterways. Incineration also destroys finite minerals which could be reused. That is from page 9 of *Waste War*. This type of waste cannot be tolerated. Therefore the Ministry of Environment must emphasize recycling and reduction of waste. Front-end technology must be incorporated. At the present time we are using back-end technology.

On page 11 of *Waste War*, Jeremy Leggett says: "Some scientists and industrialists believe that if we try hard, we could cut down waste to a small fraction of what we produce today." This is a waste management bill. There must be more emphasis on waste reduction, front-end technology.

Let's get away from thinking waste and disposal. As I said before, it is not disposal; it is merely moved from one place to another. I was at a mall display and spoke to a woman about recycling. She said she did not do it. I said, "What do you do with your garbage?" She said, "I put it in a green garbage bag and I put it out on the curb." I said, "What happens to it then?" She replied, "The garbage truck comes and picks it up." I then asked her what happens to it after that. She told me that she never even thought about it and that she just puts it at the curb and it is gone. I said, "Well, where did it go?" She did not know where it went. Up until our conversation, she had not really

thought about it or even cared. Once it was out of her sight she was done with it, but since our conversation I know this woman is thinking differently and giving more thought to reducing her garbage and recycling.

That is exactly what each and every one of us needs to do. We cannot just put it out of sight. It must not be sent to other municipalities. It must be dealt with in the area where it is made. I resent working hard reducing, recycling and reusing and encouraging others to do so only to hear that garbage could be transported here from Toronto and indeed from any other area too.

"Out of sight, out of mind" is an old saying, but very true. If you cannot see the problem, it does not exist. Well, it does exist and we have to do something about it. Each municipality has to be responsible for its own garbage. Intensive recycling has to be pushed. Package reduction must take place. This is an absolute necessity. Markets for recycling materials have to be encouraged. Incentives should be made for persons interested in establishing such businesses. As for packaging, why do we need to have our apples packaged in plastic bags? Indeed, why do we pick out our apples from the open display and then put them in plastic bags? Is it because we are too lazy to put the apples on the counter one by one when we check out? Or is it just because we have not really thought about it?

Disposables must be outlawed. Restaurants, food outlets, aircraft and trains must use china, reusable plastic ware and reusable flatware. Jobs will be created. Yes, we may have to pay a little more for our food, but is it not worth it? Do you not want to breathe clean air, drink pure water and eat food that is not contaminated? We have been programmed to believe that we all need this disposable stuff and this useless packaging. Talk about your Stepford Wives.

In order to reduce the necessity for safety packaging, we should change the retail outlets. Salespersons should be behind the counters with the products on the shelves behind them. This would do many things. It would make jobs. It would improve customer service—everybody is crying about customer service and that you can get it better in the US—enhance shopping, reduce shoplifting and reduce the necessity for excessive packaging in order to keep the products safe. Yes, it may cost a little more, but then again it may not. Shoplifting costs are passed on to us. Packaging costs are also.

Butchers should be behind counters so we can buy our meat, fish and poultry in the quantities we want and not what the market studies have told us we want. The single people and the elderly would be able to purchase smaller quantities and exactly what they need. They would eat better and be healthier, thus reducing health care costs. For every action there is a reaction. What the Ministry of Environment does will ultimately affect our health.

To further continue to promote a healthy environment, hazardous waste has to be reduced. Incinerators such as the Laidlaw facility here in Lambton county have to be phased out. Hazardous waste should not be transported across international borders or indeed about this country. Each time the material is handled, the risk of further damage to the environment exists.



I challenge technologists and industry to put their efforts into working on ways to produce products without toxic wastes or products that become toxic if they are no longer usable. Make the products so that when they are no longer usable they are returned to the manufacturer for reprocessing.

If the Ministry of Environment heavily fined company CEOs for polluting, not instituting measures to prevent spills and cleaning up messes created, we would soon have some changes made. They must be made accountable. It is not the worker in the plant who is creating the problems. He is merely doing his job. He may be able to document that a problem exists that may cause a spill, but it is ultimately the supervisor and those higher up the chain of command who make the decisions. If the worker has really caused the problem he should be held accountable, but ultimately those in charge are at fault and must be heavily fined and jailed for lack of accountability for the company's action.

It is very expensive to clean up messes. We do not really clean them up; we merely transport the mess to another place. The infamous blob was cleaned up from the river, but where did it go? It did not disappear; it went to Tricil.

I resent my tax dollars being used on cleanups and on health problems that occur as a result of mismanagement of our wastes. The polluters should be paying the costs. They would soon change their habits. Yes, I know that ultimately the consumer picks up the cost, but it is cheaper using upfront technology. There are not the repercussions that occur through the damage of waste and pollution.

For those of us dedicated to improving circumstances for our communities, funds should be made available to us for incidentals. Many of us would dedicate more of our time to helping this ministry and our government, but due to financial constraints we are not able to do as much as we would like. We have to turn down serving on panels or serving on committees and attending other meetings due to the costs. We should be reimbursed for assisting, just as consultants are, and all our expenses should be paid.

I have spent hundreds of dollars, as have many others in this community, which we could ill afford. In order to be involved we spend money on attending meetings, travelling distances, researching materials and purchasing resource materials and books, postage, paper, copying, faxing messages, long-distance phone calls, accommodations, mail etc, not to mention taking time from our jobs and families. I would like to do more, but financial constraints limit my activities. Indeed, due to financial constraints I was unable to provide you with the numerous copies the government requested.

In closing, I would like to say that the government is to be commended for having these hearings out in the communities and giving us the opportunity to speak to you. I would not have been able to attend a meeting in Toronto, due to my job responsibilities and finances. I thank you for your attention.

**The Chair:** Thank you very much. We have a very short time remaining for questions, just four minutes in total. Mr Wiseman.

**Mr Wiseman:** My comments are very brief. Thank you for your presentation. I think it is an excellent reminder of the direction that we have to go in, what our goals are and how we should get there. In fact, you remind me of something I said a few years ago when I was making a presentation to Metropolitan Toronto in response to its wanting to put another garbage dump in my community, that in reality there is really no way; you cannot throw anything away. We have to start from that premise and work to eliminate what is going into the waste stream.

I guess there is one thing I would like you to comment on. We have heard from the packaging people and we have heard from different groups and they say, "Let's do it voluntarily." From what you are saying, is the message that the government should regulate and should really push them a little bit harder than they seem to want to be pushed?

**Ms Clarke Larson:** Yes, I believe we should. I spend a lot of time getting rid of packaging.

**Mr McLean:** I have a short question for you. How many landfill sites are there in Lambton county?

**Ms Clarke Larson:** I cannot really say.

**Mr McLean:** I believe there are six, and two private ones.

**The Chair:** Thank you. You have had your question. I am sorry.

**Mr McLean:** The question is, should there be a new disposal site established in Lambton county, yes or no?

**Ms Clarke Larson:** I am not prepared to discuss that.

**The Chair:** Mr McClelland, you have the floor.

**Mr McClelland:** I appreciate your being here. I take seriously your concerns about incineration. What you put forward is an issue of considerable debate and very worthy of consideration. I hasten to add that Bill 143 is not just about incineration. Many of the things you talk about, as a citizen who wants to be involved, who wants to fight and continue to be able to fight to protect our environment and the future of this world we live in and leave for our children, I believe are very much in jeopardy because of Bill 143 and because of the underlying principles.

I just want to add that and to emphasize today that to carve out, as the government has done—that is not why you are here today. You are here to speak passionately and sincerely about an issue. But Bill 143 is not about incineration; it is not just about incineration; it is not just about the transportation of waste over municipal boundaries. It is about much more. I personally simply feel very passionately that those elements of it that appeal to you do not make it redemptive, in the sense that it makes it okay to wipe out everything else.

**The Chair:** Do you wish to respond? You now have the floor. There is a minute left.

**Ms Clarke Larson:** Unfortunately I did not have a copy of the bill prior to being here, Mrs Caplan, so I was unable to go through it. I only had the amendments.

**The Chair:** I think it is important for you to know that you can request copies of legislation either from your local member or from the Legislative Assembly, if you notice

that committees are coming to town. Publications Ontario also has available all Hansards as well as bills that are before the Legislature.

**Ms Clarke Larson:** It was requested.

**The Chair:** If you have difficulty in getting them you can always contact the committee Chair.

**Ms Clarke Larson:** It was requested. However, due to my job and travelling, much the same as you do, I was not able to follow up and make sure that I had it on time.

**The Chair:** That is unfortunate. Thank you for coming today. If there is additional information after you have had a chance to review the bill that you would like to share with us, please just jot it down in writing and you can send it to us via our clerk.

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#### SHERRY MORRISON

**The Chair:** The next presenter is Sherry Morrison. Please come forward. You have 20 minutes for your presentation. Would you begin now.

**Mrs Morrison:** I welcome the opportunity to speak to you today on this most important issue on waste management and its relationship to our environment. I come before you as an ordinary citizen, not as one who has been trained in the legal profession. As such, I will not attempt to discuss this bill in legalese or attempt to analyse it for the loopholes that those who are so inclined will attempt to use to circumvent or delay this essential piece of legislation.

I have resided in close proximity to a waste disposal site for some 17 years. This makes me somewhat of an expert on the psychological damage one can incur by having a waste disposal company in the midst of one's immediate surroundings. The anxiety, apprehension and dread that one lives with is practically indescribable. I should perhaps clarify that the site I reside near is a hazardous waste facility, which adds to the fear.

Nevertheless, I believe a parallel can be drawn regardless of the type of waste in question. Many of the same players are involved, whether it be toxic or municipal waste. Their involvement is based solely on the pursuit of the almighty dollar while often displaying a callousness towards the neighbouring residents.

The Minister of the Environment must be applauded for her intentions and principles expressed in this document. It is laudable that she wishes to expand on the application of the 3Rs and that the transportation of waste will be kept to a minimum. Her ban on future incinerators with a review on existing ones should be expanded to cover hazardous waste disposal as well.

This method of taking our trash and simply using a high-temperature incinerator to create a disappearing act is absurd. We are all aware of the toxic technology developed by the giant corporations promoting their machines of destruction. This mentality seems to come from the devil's pantry itself.

We must deal with the root of the problem: the creation of waste. We must implement recycling and composting facilities and educate municipalities on these programs. When you burn garbage, the ash created from most incin-

erators is considered hazardous waste and is consequently buried in a facility in my community. I strongly agree that incineration not be considered a viable option.

In spite of my apparent support of the minister and of this bill, I do have a couple of reservations. It is my understanding that disposal gap measures would continue to allow the practice of waste transportation in the event that capacity expires within the greater Toronto area sites. Although comment is made that this practice would be unacceptable in both the long and short term as a viable option, it appears that the disposal gap measures open up one of those loopholes that some unethical operators would avail themselves of. It states that it may be considered as an option as long as there is a new landfill site within the GTA ready for operation within a few weeks or months. I believe this to be too vague and would suggest some time limits be established. "A few weeks or months" is open to interpretation and may cause legal wrangling and debate to carry on into infinity, while some host municipality has the GTA's waste thrust upon it. Some clarification and specifics are needed here.

As for bypassing the EA process, it has caused quite a quandary for me. On the one hand it prevents those who wish to profit from the poor planning and shortsightedness of the GTA from establishing any number of artificial roadblocks and mounting a multitude of frivolous challenges to enable them to line their pockets and make fortunes off the misery of others, while on the other hand it deprives the people faced with having a site established in their area or an expansion of a site in their area from having the opportunity to voice their concerns and to have their concerns addressed in a fair and equitable manner.

It would appear that it will take someone with the wisdom of Solomon to adjudicate this matter. I wish to go on record as stating that everyone should be given the opportunity to voice his or her opinion. However, steps must be taken to expedite the proceedings so as not to drag the process on for a ridiculous amount of time.

I would also like to speak to the matter of compensation. To simply state that any person whose land is affected is entitled to compensation provided for under the Expropriations Act is not sufficient. I believe that to be a fair starting point and perhaps that should be the initial payment to those so affected. However, in my opening statement I alluded to the anxiety one experiences living near a waste disposal site. People spend years constructing and developing their homes and lands, only to have some third party arbitrarily decide that through no fault of their own they are going to lose everything they had hoped and dreamed for, and through the Expropriations Act X number of dollars will be awarded to them for all of their toil and heartache. The greater good for the masses. Something is morally wrong with that concept in North American society. My home, my land: If it is to be wrenched away from me, then I should be compensated well beyond fair market value. A high premium must be paid to uproot families and cause untold hardships just so others can cast waste upon my land.

I have endured many instances where my life and routine have been put into disarray because of inadequate



performance at the neighbouring site. Too many times I am told that due diligence was shown; therefore, no action is taken against them. Well, I am fed up and I think it is time to say, "To hell with due diligence." If these facilities cannot operate in such a manner as to ensure no adverse effects result, then they should be made to pay. Our crops enter the food chain and God only knows who is being affected by these malfunctions in operations, which are explained away with "due diligence."

Either clean up their act or shut them down, but in the meantime make them pay for their mistakes, which in my mind will improve their performance. The money from these penalties should be forwarded to the people affected, the neighbours, and not the general coffers of the province.

It is heartening to see we have a minister ready to make tough decisions to protect the people and the environment. Bill 143 is a step in the right direction. It is my sincere wish and fondest hope that she takes steps to expand them to all waste facilities in the province, including hazardous waste sites.

Thank you for giving me the opportunity to address you today.

**The Chair:** Thank you very much. We appreciate your very thoughtful presentation. I have a number of members who would like to ask you questions.

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**Mr McLean:** I appreciate your presentation here this morning and I agree with a lot of things that you have in that presentation. One of the aspects that I agree with wholeheartedly is in your second paragraph on the second-last page: "However, steps must be taken to expedite the proceedings so as not to drag the process on for a ridiculous amount of time." I have been saying that for a long time. There must be a way we can establish the criteria whereby municipalities and counties can apply to have a landfill site established within a period of time that is safe and sound and through the environmental assessment hearings.

The question I have is: While I agree that there is nothing in the bill pertaining to anything laid out to do that and the EA is not in the bill to have the public hearings—and that really concerns me—what is your feeling on the "no EA" aspect of the criteria?

**Mrs Morrison:** As I stated in my presentation, it has been my experience with the Ontario Waste Management Corp, which has done EA hearings and they are still going and it has been 10 years and there is nothing in writing yet—so I can honestly say that on one hand we have the citizens who want to participate. How long is long enough? I would assume that with the speakers here this morning you would get the gist of the feeling that there are people there who want to recycle, reduce and then look at that problem first. Let's deal with that end of it.

**Mr McLean:** But they also want the public to have input.

**Mrs Morrison:** That is right.

**Mr McLean:** That is the problem with this bill: The minister can proceed without that public input, and that really bothers me.

**Mrs Morrison:** Yes. There is this garbage crisis, though, but I think Toronto has to deal with it. Let's keep the garbage in Toronto.

**Mr Wiseman:** Thank you for your brief. This echoes about 15,000 that I have heard from my own constituents who live next to the Brock West landfill site. My comment is in regard to the bottom of page 1, the section of the bill that deals with the disposal gap. I know this causes concern for you and it causes great concern for me as well, because I have always been an advocate of the full process, but the gap is going to be handled by lifts on Britannia and Keele Valley. As I have said to many others, the leachate from Keele Valley winds up in a sewage treatment plant less than half a mile from my front door. It is not something that I have undertaken lightly, and I think you have raised some very good points here and some good reminders. The issue of compensation is something I personally will be looking at.

**Mrs Morrison:** Yes. Okay. Could I just make one more point?

**Mr Wiseman:** Sure.

**Mrs Morrison:** The company in my community is now proposing a rotary kiln capable of burning PCBs, so that will be two incinerators in my area.

**Mr McClelland:** You have heard of the proposed environmental bill of rights?

**Mrs Morrison:** Yes.

**Mr McClelland:** I am speculating, and I will be candid about that. Obviously it was the promise of the government that the first priority in terms of its environmental agenda would be an environmental bill of rights. We now learn from the government's legislative priority-setting exercise, which our leader received a copy of this week, that this will be reconsidered in the fall of 1992. It is not a priority any more for this government.

Clearly Bill 143 would contravene every principle of the environmental bill of rights that would provide you, as an individual, and people like you around this province with the kind of recourse and the kind of remedy you are looking for. Do you recognize that while you are saying you support Bill 143 you are also saying you therefore, of necessity, could not support an environmental bill of rights? You therefore, of necessity, are saying you could not support a process that would allow you to have direct recourse to make those people who have affected you pay. You are asking for it on the one hand, saying that you think that is what ought to happen. Bill 143 denies you that right because it denies, by its very nature, the introduction and implementation of an environmental bill of rights, which would give you everything you want. Bill 143 takes that away from you.

**Mrs Morrison:** Sir, it has been my experience in dealing with different policies in Ontario that it does not matter what political party is in power. I have had the same response. It is growing pains. We are changing attitudes here.

**Mr McClelland:** Hopefully.

**Mrs Morrison:** We are going to come to that some day. I do believe there are some problems with Bill 143, but it is a starting point.

**Mr McClelland:** At that cost. It would take out your rights as an individual and those of other citizens—

**Mrs Morrison:** Sir, I have no rights now. It cannot take anything away that I do not have.

**Mr McClelland:** It will prevent you from getting them.

**The Chair:** Mrs Mathysen, you have the floor. There are approximately two minutes remaining for your caucus.

**Mrs Mathysen:** Thank you for speaking so eloquently for the protection of the environment. There is one thing that I heard from you and I heard it from the previous speaker, and it disturbs me. I want to clarify that part III of this bill makes it incumbent upon Metro Toronto to handle its long-term and immediate waste situation within the GTA. So as far as being afraid about getting Toronto's garbage, I want to set your mind at ease.

**Mrs Morrison:** Yes. That is domestic garbage. Hazardous waste can still be transported.

**Mrs Mathysen:** I see. Okay. Thank you.

**Mr Sola:** Madam, you have me confused in your brief, because on page 2 you have two very devastating statements. You say, "Bill 143 deprives people faced with having a site established in their area from having their opportunity to voice their concerns." That is the first statement. Then you say, "People spend years constructing and developing their homes and lands, only to have some third party arbitrarily decide that, through no fault of their own, they are going to lose everything."

On page 1 you state, "The Minister of the Environment must be applauded for her intentions and principles expressed in this bill," and on your final page you say she should be applauded for having the intestinal fortitude to make these tough decisions. Do you not think that these types of decisions are the exact things you do not want anybody to have the right to make?

**Mrs Morrison:** I am talking from my experience over the last 10 years in dealing with previous governments and with the facility. We are starting to address the problem, and there is still room for communication there. I do not see that it is going to jeopardize anything that I have already lost.

**Mr Sola:** But you are stating that somebody could lose whatever he has worked for through this bill.

**Mrs Morrison:** That is right.

**Mr Sola:** Yet you say you support that principle.

**Mrs Morrison:** One of the first things you have to look at is compensation. That is one of the first things you are going to look at. Nobody wants a landfill in his backyard; nobody wants one in his area. But you are going to have to deal with the problem of putting this somewhere, so the people who are most affected will be the ones you are going to be talking to. Compensation should be the number one factor when you are looking at where to put this siting.

**Mr Hayes:** I enjoyed your presentation. This issue that you are talking about, developing your home and your land and wanting to live in the area, is quite familiar in many other areas, including mine.

We seem to think about compensating the municipality or the people it purchases the land from to put in a landfill site, but sometimes we forget about the other people whose families have lived there all their lives. They want to continue to live in the area, but they want, whether it be private or public, to control and to protect the people who live in the surrounding area. I think that is very important and I believe this bill will help in that particular direction.

**Mrs Morrison:** I think so too.

**Mr McLean:** I would like to talk to you about incinerators, and you refer to those on page 1. "Her ban on future incinerators with a review on existing ones should be expanded to cover hazardous waste disposal as well." What would the Sarnia Hospital do with its hazardous waste?

**Mrs Morrison:** It depends if they classify it as hazardous waste. That is the problem with legislation and policy. It is coming to a point where we are going to redesign that. A lot of your domestic garbage in future years will be reclassified. Paint is a good example. It now goes to a disposal site. They recycle it or do something. Before, we used to take it to the domestic garbage. I believe that in time we will have composting facilities and we will have recycling facilities. Disposal will be the last thing we will look at.

**Mr McLean:** Pearson International Airport is under federal jurisdiction. My estimation is that all goods that come in there have to be incinerated on site at Pearson International Airport. What would you do to get rid of that site?

**Mrs Morrison:** What was it that came into Pearson airport?

**Mr McLean:** Everything that comes off the airplanes has to be incinerated at Pearson International Airport, which is federal law. What would you do and how would you get rid of a facility that is under federal jurisdiction such as that?

**Mrs Morrison:** That is our problem as well. There are federal politics involved, and we have cross-border transportation of waste, export and import, so it is a much bigger problem than I ever thought. But as far as Pearson goes, what is it burning? If it is everything, then they classify that domestic garbage. They are taking domestic garbage and using it as source of getting rid of it, not really looking at the problem.

**The Chair:** Thank you very much for your presentation. We appreciate your appearing before the committee today. As I have said to others, if there is additional information over the course of our deliberations that you would like to share with us, you can do so in writing through our clerk.

As well, for the information of everyone here, a full and complete Hansard, which is a transcript of all the presentations, questions and answers, everything that is said during these committee hearings, is available through Publications



Ontario. There is one in Toronto at 800 Bay, and there may be government bookstores nearby that could also arrange to get it for you.

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#### EAST LAMBTON SECONDARY SCHOOL ENVIRONMENTAL CLUB

**The Chair:** I would like to call our next presentation, the East Lambton Secondary School Environmental Club. Please come forward and introduce yourself. You have 20 minutes for your presentation. We ask if you would leave a few minutes at the end for questions, but that is up to you. Please begin now.

**Mr MacGregor:** My name is Scott MacGregor. I am an OAC student at East Lambton Secondary School, which is just east of this area in a small town named Watford. It has a landfill governed by the Laidlaw corporation. I am also president of the East Lambton Secondary School Environmental Club.

On behalf of the East Lambton Secondary School Environmental Club and all the youth who will be the future citizens of Canada, I welcome this opportunity to speak to you today about the urgent issue of waste reduction in Ontario, in particular Bill 143. The challenge faced by the various levels of government will be less difficult if a clear decision on major reduction in disposal of waste is enforced, as specified in Bill 143. The public is anxious and deserves a clearly progressive, innovative and responsible plan designed for the 21st century.

During our environmental meetings, we have many debates and discussions concerning waste disposal sites, as mentioned in Bill 43, and each time we have concluded that waste must not be transported away from its origin. We feel that there are effective alternatives to hauling garbage around the province for either landfill or incineration disposal.

Although we are a small group from a small school, we firmly believe that we can make a large difference if we practise ourselves and educate others to start reduction now. We know reduction, reuse and recycling cannot make garbage disappear completely. However, we agree that we must all become involved. One of our main goals is to learn and, in turn, teach others how to reduce and recycle their own waste. We have adopted the slogan, "Don't Wait for Others to be Environmentally Friendly—Show Them How and Show Them Now."

Within our school we attempt to do this in several ways, such as setting up blue box and white box depots throughout the school, with the aim of teaching others how simple and quick it is to separate and recycle the garbage.

I might mention, having toured other recycling systems in some schools where the privately owned recycling companies pick up the bags of garbage, truck it to their depot and then sort it, that this does little to actually educate and get people in the habit of recycling. On a similar thought, it reminds me of the same old problem presented by the larger municipality: Dump it. They truck it away and let somebody else worry about disposing of their waste.

Responsibility must be the number one concern of everyone. Whether you live in a large metropolis or a small

farming community, as I do, we must be individually responsible for our own garbage. If people are permitted to continually buy and discard articles without concern for their disposal or for renewable resources, they may never see the need to learn to conserve or, more important, to care.

How many of us listen to the 6 o'clock news? Nonchalantly, we hear about the murder that occurred in the city of Detroit and then quickly forget about it. In other words, out of sight, out of mind. On the other hand, if that same murder occurred in your own local community, everyone would be immediately outraged, concerned and looking for ways to protect whatever he has and loves.

We feel that the only way our environment will be protected is to have the problem of waste disposal in the sight and in the mind of each individual Canadian. This conscious effort can only be accomplished if the problem is in your own backyard and you have to solve it. As teenagers, we are continually and for ever being told to learn to be responsible and, "If you make your bed, you must lie in it." Should we not expect the same from our elders?

As president of our environmental club, I have been inspired by another president's quote, that of John F. Kennedy. He said: "There are risks and costs to a program of action. But they are far less than the long-range risks and costs of comfortable inaction."

Being a person who enjoys competition, I would love to present a challenge from our high school to all other high schools in Metropolitan Toronto on a per capita basis. The challenge is simple: to get rid of or at least reduce the quantity of paper lunch bags thrown away every school day. Hopefully, this would be the beginning of reinforcing the idea that if you live in Toronto, you are responsible for the amount of garbage you throw out.

Ideally, this new way of thinking and concern would go with them through their maturing years into their adult years and eventually as an example to their offspring. Somehow we have to stop and get off this merry-go-round ride of unconscious wastefulness. I really believe educating and challenging the youth is the answer and the direction we need to take.

As we teenagers enter the next decade, we know we will have many challenges ahead of us to guarantee a safe environment for our future generations. It is more likely that we will succeed if any confusion in our definitions and our planning is eliminated now. The teamwork required to essentially restructure resource consumption and waste management systems across Ontario can be more effective if we are all working towards the same goals. Wake up, Metro Toronto youth. We are all in this fight together and we can also win this fight together. Bill 143 is the ammunition we all need to fight the enemy: garbage. As relayed in the war phrase, "We have met the enemy, and he is us."

In closing, I again thank you for your time and interest in hearing my concerns and thoughts. Although I cannot speak from years of experience or extensive knowledge, I can speak from apprehension and enthusiasm. If the youth of Ontario are to look to the future of our environment, we need to feel safe that our leaders are confronting the uncertainty of solid waste management with certainty. We believe

this certainty is found in Bill 143. The future of our environment depends on you. We know we can depend on you to protect the future of our environment.

**Mr Wiseman:** I particularly would like to thank you for coming before the committee as the representative of your environmental club. In my previous life I was the school liaison with the Ajax High School Environmental Awareness Club, and it brought back some good memories of all the bags of paper and pop tins that we collected every week to put out for the recycling. It is good to see you.

I am going to ask you a question that has not been asked by anybody before. It has to do with a presentation I heard while attending the Durham Board of Education's environmental awareness week for educators to encourage recycling. This presenter came from British Columbia and he suggested there is a connection between the violence and the hostility in our society and the lack of environmental awareness.

It is with respect to your comments about the number of murders across the border and so on. It was something that struck me, because the description he had was that just outside his community there was a gunfight across the railway tracks and somewhere in the neighbourhood of 176 shells were shot. He suggested that the alienation the young people felt was directly linked to the fact that they had no control over their environment and no control over what they could do about this apprehension that you also talk about.

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**Mr MacGregor:** That is one of the nice things about living in Canada is. I am not being oblivious to the fact that there is crime and such in Canada, but it is nice to redirect our efforts rather than having to worry about the violence, crime, shoplifting and such that is involved in other societies. We can redirect our efforts to giving more emphasis to environmental awareness and education and such.

**Mr Ramsay:** The first thing I would like to say is that if my generation in high school had half the interest that you have now, we would not be here today to discuss this. Good luck to you in all your work. I want to ask you about your program at school. Did you say blue box and white box?

**Mr MacGregor:** White box, yes. That takes in all the paper. I have actually a copy of Bill 143 here, and instead of having it photocopied on brand-new paper, I had it photocopied on used paper which was found in our white boxes.

I am not sure what the facility is, but it goes to a facility and is recycled from there. One of our newest things is that my mother, two of my brothers and I are right now making these environmental lunch bags in our own basement. This is a new thing that is going out. It says ELSS Cares. Inside it has a lot of Ministry of the Environment information and some from the Ministry of Energy. We also have a Tupperware set that goes with it too so you lessen all their stuff.

That is what our program right now is aiming at. We have different presentations from the industrial area of Sarnia. The Laidlaw facility outside of Watford comes in, plus we have the Watford Warwick Landfill Committee, which is our own little concern in the area of Watford. But our actual program tries to stay as objective as possible.

What we did this year was try to emphasize one area. As leaders, you have to bring in many beliefs and many races and you try to make a compensation between them all. We found that the idea of reduction seemed to bring all of them together. That is where our main goal is, in reduction.

**Mr McLean:** A great presentation, and I wish you every success in your endeavours. I hope that turns out to be a profit for you in time to come.

**Mr MacGregor:** Not really, no.

**Mr McLean:** You have a copy of the bill?

**Mr MacGregor:** Yes, I do.

**Mr McLean:** I am interested to know your views on that bill with regard to cutting down on packaging. Does that bill go far enough or does it even elaborate on it at all with regard to the reduction of packaging?

**Mr MacGregor:** I agree with the packaging aspect of it. This is an excellent initiative, an excellent start in the packaging area. There can always be more emphasis put on these companies which bring out packaging and all their fancy arrangements. I agree strongly with what I have seen in here and the amendments put in it about packaging. I think it is an excellent start.

**Mr McLean:** Is your environmental club involved? Have you met with the county people to have any input? I appreciated your analysis of when it hits close to home. The previous delegate had indicated her great concern for the environment, but it also hit close to home because she lives near it. We would have to wonder if that individual would be here today if it was not hitting home, so to speak.

**Mr MacGregor:** Right.

**Mr McLean:** In your view, with regard to dealing with the county, do you believe there is a need for a new landfill site in Lambton county?

**Mr MacGregor:** I hate to say. Rather than saying there should be a new landfill or a new incinerator, I wish we could improvise new reduction measures. We all classify incineration and landfill as an industry—I know recycling is considered an industry—but can we not consider reduction as an industry also and have it up front? I think that is one of the surefire measures to not even using incinerators or not even using landfills. I would much rather say I would not want a landfill. No one wants a landfill in Lambton county, but we have to think about reality too.

**Mr McLean:** I have said many times that I think the day of the landfill site should be gone. I agree with your sentiments with regard to reducing the packaging first. That should be our top priority.

I got a flashlight the other day. It was all packaged up and it had a string in it to hang it up. Why did that not just hang on the shelf without all the packaging?

**Mr MacGregor:** I agree.



**Mr McLean:** I am not so sure the ministry's Bill 143 addresses that like it should.

**Mr Lessard:** I think Bill 143 is a step towards dealing with the problem my parents helped to create and what you are doing is a step towards making sure your children do not inherit a worse situation than we have created. You have also demonstrated that people do things for motivations other than strictly profit. I hope you continue to keep that in mind.

You have also stated that we need to deal with waste close to the source and we need to make people more responsible to deal with their own waste. I wonder if you can give us some other suggestions as to how we, as legislators, may be able to encourage people to take responsibility, to deal with their own waste.

**Mr MacGregor:** As we have seen here, this is the first, best step. I am sure getting in touch with the youth is one of the best ways. Speaking just to the youth usually opens up their minds extensively. I do not know what other ways, but reduction is number one. If they can legislate that, that would be amazing, but that is not reality either. I do not know of any other ways.

**Mr Lessard:** You can understand how tough our job is.

**Mr MacGregor:** I agree totally with your job. I think it is tremendous that you have a committee hearing doing this. I think it is extraordinary. I think it is just simply excellent.

**Ms Haeck:** I want to thank you for coming. I had the great privilege of being at your high school about two weeks ago. I noticed there are all those signs in Watford opposing Toronto trash. Can you give this committee some insight as to what in fact you are opposing?

**Mr MacGregor:** Yes. We have Toronto garbage coming into our area. I am against that. We have the Watford Warwick Landfill Committee as the concerned party. Just outside of Watford, about a mile away from our high school, we can see the landfill. It is governed by Laidlaw and we have, I understand, more garbage than the ministry actually says should go through there. Right now they want a 300-acre expansion to that landfill. We are opposing that as much as possible.

As I have stated in my brief, it would be nice to see that the Metro Toronto area just realized what we are going through. I had my relatives come down from Richmond Hill. My uncle is with a corporation that produces a lot of garbage.

**Ms Haeck:** I hope you talk to him.

**Mr MacGregor:** I will not say which one. I cannot mention names or anything like that. He was just oblivious to the amount of garbage that was coming into our area. But I am good friends with the Laidlaw people out there and they do understand. They are the smaller people. By what you are doing here today, hopefully you can keep in touch with the high facilitators of these big corporations who only see profit and do not see the little people. That is the basic problem in the Watford area right now.

**The Chair:** Thank you very much. We very much appreciate your coming to the committee today. I think I speak for all members of the committee from all caucuses when I say how impressed we are with your articulate and well-thought-out presentation. I believe we have gained a lot in hearing what you have had to say. You are an excellent spokesman not only for your school but I think for the youth of our community and I want to thank you very much.

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#### LAMBTON ANTI-POLLUTION ASSOCIATION

**The Chair:** I would like to call our next presentation, Lambton Anti-Pollution Association. Please come forward. We ask that you begin by introducing yourself. You have 20 minutes for your presentation. Would you begin your presentation now, please, and could I have order.

**Mr Smith:** Thank you, Madam Chair, and members of the standing committee on social development. My name is Geoff Smith. I am the chairman of a residents' group, the Lambton Anti-Pollution Association. It is a non-profit group of around 100 residents concerned primarily with improper hazardous waste disposal here in Ontario.

Although Bill 143 deals specifically with municipal waste within the GTA and does not specifically include hazardous wastes, we feel that provincial initiatives aimed at dealing with the issue of municipal waste management on a regional basis should be broadened to cover all generated waste and substances regardless of their classification.

Our industrialized, modern world has been developed into a pattern of combined wasteful practices and we have more or less become a disposable society through poor patterns of habit, I guess. Our habits of discard for convenience have elevated us to the prominence of having North America as the most waste-generative continent in the modern world.

Those of us here in Ontario, in what is clearly the most heavily populated area of Canada, must take a leadership role in Canada's continuing efforts of waste management strategy so that we try to maintain the environmental viability and integrity of our province. What good are the benefits of industrial diversification, successful commerce and the high economic gains if our short-term solutions in environmental policies in pursuing those goals create a regional environment that cannot sustain life or health?

Proper waste management strategies and philosophies are a balance of present conveniences, which we enjoy today, versus the realism of future necessities of tomorrow. I think it can be symbolized by something as simple as a link chain. A chain is known for its consistency and strength. Each link plays a very vital role in maintaining that consistency. The weight of the chain is significant, but if we look at the weight of one particular link, it does not form as much of a burden as the total weight of the chain. Placing the chain in an even, consistent manner across a geographic area promotes an even balance of weight. The links in the chain are evenly distributed and each area has a link which they must support.

Now suppose that this is Ontario and the centre links of the chain refuse to support their obligation to the chain. It

weakens the balance. The consistency of the common strength is essential in maintaining that chain. The chain divides easily, and it polarizes into two different areas. The weight of a singular link, borne previously across a broadened area, becomes generated and more condensed on two specific areas.

It is important that we acknowledge this additional load has been wrongfully placed on links which were willing to keep their area of commitment, willing to hold up their end of the bargain. If the middle is relieved of its portion of the weight, obviously it is very pleased. Unfortunately, that outer burden becomes very difficult for the outer areas to maintain. The integrity of the chain has been destroyed by one link failing.

Should waste management strategy for a province be any different than that simple chain? Is it unrealistic to expect the municipality that is generating waste to weigh its own link of the waste stream and support that on a regional basis? It is unfair to shift it to the outermost links. Should the other municipalities within the waste management chain have to unwillingly assume that weight with no say? Does it seem realistic to ensure the continued strength of the chain, doing whatever it takes to maintain that balance across the broadened area? It is clear that when we speak of the chain I have here, or whether it is municipalities across Ontario, the balance of the load cannot be allowed to shift to the polar regions simply because the middle links choose to falter.

Enough of the chain. I think we are here to talk about Bill 143. I have read Bill 143. There are a number of concerns, but I believe generally it is a positive step for Ontario. It cannot be done in a way to maintain popularity with everyone in Ontario. I am sure the people involved in provincial politics are more than aware that this is a rather contentious issue when you begin dealing with people's wastes within their community. I have heard an outcry of criticisms against this bill, apparently for three general reasons.

One is centred around what I believe to be a lack of clarity to this point regarding the interim waste management strategy within the GTA while it is reformulating its landfill situation. Reading the bill by itself leaves a number of unanswered questions regarding the location of the interim dump sites or the vulnerability of other communities in accepting Toronto waste. What I have heard here today with the reiteration of the committee to other people who are speaking has somewhat clarified that for me.

I do believe we cannot allow export on a vast geographic range when it comes to waste management strategy. Given the magnitude of the GTA waste problem, the interim site issue may be a necessary evil, but I believe a good portion of the criticisms could be alleviated by a mass balance on total tonnages: if you are forced to place waste in a municipal community neighbouring your own, to allow a symbolic transfer of waste once the new site is established back to the original community, therefore having no real net effect on the balance of environmental impact. The financial onus should be placed squarely on the shoulders of the community within the GTA that is unable to maintain its end of the waste management picture. The

interim municipality should bear no costs associated with the temporary garbage mass displacement or its subsequent mass relocation.

The second reason I find criticism of this bill is the ability to sidestep the environmental assessment process. I believe the minimum commitment to an Environmental Protection Act hearing, and precedent has been set in the province to do just that, could silence a great number of these criticisms and still give people an opportunity to respond.

The last area of concern I find with this bill is that it appears to deal only with a singular facet of Ontario's waste problem. We as a province really suffer from an absence of a clearly defined total policy on waste management within our province. Typically, we rise in the morning and we go to work to sustain our own personal financial security. It is likely that during the course of the day, a percentage of our workforce will produce a grade of commercial waste, industrial waste, institutional waste or hazardous waste as a direct byproduct related to our work activities within our community. We finish for the day at 5 o'clock at night, we leave and we return home and essentially become a municipal waste generator at that point primarily. Our activity pattern continues until such time as we go to work the next day and start producing that commercial grade of waste again, in theory.

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Bill 143 only deals with the non-workplace activities between 5 at night and 8 o'clock the next morning. There is really no control over commercial, industrial or hazardous waste generation within the GTA. This bill really will continue to allow institutional, commercial and industrial grade wastes to be trucked long distances into communities such as Lambton county, as is happening now. Furthermore, hazardous waste from outside the province has not been dealt with, and outside Canada. We have wastes that come into Lambton county from the United States, hazardous wastes which are buried here within our area. Realistically, are we not threatening our own viability of Ontario by taking someone else's problem? It is similar to the criticism I was putting on the GTA coming down this way with Metro Toronto waste. I believe the wishes of the majority of Lambton county residents are that they do not want to be a host community for someone else's problem, and I believe that is consistent no matter where you go.

If I could deviate from my written text, I had the opportunity of going to the Ogden Martin incinerator facility in Grand Rapids, Michigan. It is a 575-ton-per-day incinerator. I am not an advocate of incineration, but I had the opportunity of speaking with the plant manager. The plant manager was quite proud of his facility. I asked the waste nucleus, and it was about a 30-mile radius within the site. At the same time, Ogden Martin was also proposing a 3,300-ton-per-day incinerator for Lambton county to deal with GTA wastes.

I asked him: Economies of scale are being argued in our community. Why would you not construct a 3,575-ton incinerator and take 3,000 tons of Chicago waste and bring it here? He said, "We'd be ridden out of town on a rail. Communities don't mind dealing with their own waste problem. They take responsibility for that, whatever the



consequence, but they don't want to be burdened with other people's problems." I think that is realistic. People point to it as a NIMBY situation, but it is not. It really is wanting to take care of your own nucleus, but at the same time do your piece of the more or less locus of control you have the ability to effect a change on.

It is our hope at the Lambton Anti-Pollution Association that Bill 143 is the first part of a movement towards provincial policies which will see more emphasis on visibility placed on the waste-generating community in dealing with the waste at source. There is little deterrent to change poor waste management practices upon their creation when the only local environmental impact associated with the disposal of those wastes comes from the sight of the back of a truck as it is leaving your community. It becomes someone else's problem by hauling it to another community. The focal point of that community waste problem is no longer any larger than the size of the visual impact of that truck.

The reality can only be found by viewing the final resting place, the dump site, and the resultant impact, the rings of impact around the dump site or the facility dealing with this megaproblem. Local pressure for positive environmental change becomes closer to home at this point. The waste is placed in a dump site that immediately impacts your community. You have a tendency to get up and make change. Sometimes the visual daily reminder of the dump's presence is the best form of motivation to ensure positive change in dealing with Ontario's problems.

In closing, on behalf of the Lambton Anti-Pollution Association membership I would like to thank you for the opportunity of speaking here today. I would be happy to deal with any questions.

**The Chair:** In total there is about six minutes remaining. I will divide that two minutes for each caucus. Mr Ramsay first.

**Mr Ramsay:** Thank you, Geoff, for a good presentation. I particularly enjoyed your link analogy and your physical demonstration there. A lot of people in Toronto would like to know how to do that, I am sure. You see lots of bicycles and other things locked up by chain.

I would like to return to the chain, because as you said, what allows the chain to garner its strength is the equal construction and weight of the different links that make up that chain. In Ontario we are dealing with municipalities that are unequal in terms of the waste they generate and in their environmental ability to sustain the waste generated. So it is not a chain of uniform links but quite the opposite.

I think that is the difficulty we have with this bill, in that we have to be able to find the best environmental solutions, and they may not be possible in certain municipalities. I was just wondering how you reconcile that if we are all here to work for a better environment.

**Mr Smith:** I have been associated with a number of people who have concerns about the GTA, and I find the biggest singular problem associated with GTA waste disposal options is the land value that is placed upon the Toronto area. It is somewhat cheaper to buy agricultural land outside, incur the financial transportation costs if so

allowed and develop that land into a subdivision. I think the necessary evil, the deterrence factor within a community, given the density and resources of Toronto, it has a better opportunity of effecting change than a rural community does, because of the lack of resources, the lack of professionalism, the lack of people who are willing to undertake the challenge. You are saying that maybe Toronto cannot deal with its own waste problem. I am saying it is better equipped to deal with its waste problem than we are.

**Mr B. Murdoch:** I am very interested in your brief. I am concerned, though, that we heard municipalities say they have not had enough input into this bill. I notice too that you have some criticism of the bill, yet I take from this that you think the bill should proceed. Since we are hearing at these committee meetings that there are problems with the bill, would it not be better for the government to withdraw the bill, listen to the people and maybe strengthen it and make it even better than put through a bill that is flawed? What do you think?

**Mr Smith:** I would have to make a comment of no comment, because I do not feel I am really sufficiently versed on the history of the bill to deal with that. I am seeing it at face value as a document, not the backroom negotiations and discussions and research that have gone into preparing this bill. Certainly Mrs Grier has a formidable challenge in dealing with the GTA waste and I cannot offer a better solution than Bill 143 at this particular time, so it would be unfair for me to say she should withdraw it. If you make effective criticism, you have to be able to supply an alternative. I myself, personally, cannot do that for the GTA right now.

**Mr B. Murdoch:** That is why we are having these meetings, to find alternatives and for people like yourself to give us briefs. There have been quite a few, as you know, and there has been a lot of criticism, but there has also been some advice. That is why I am saying maybe they should take the bill back, withdraw it, try again and come up with one that is more effective rather than coming in with a flawed bill. If we get a flawed bill, we are going to have problems all along.

**Mr Smith:** I would prefer to see amendments based on realistic points that are of concern as opposed to a total withdrawal.

**Mr B. Murdoch:** So you would support amendments to the bill?

**Mr Smith:** Yes.

**Mr Wiseman:** In a package at the back of the room, I believe, is Initiatives Paper No 1. On page 19, it speaks specifically to your comments about industrial, commercial and institutional waste. It states, "ICI waste generators located in the greater Toronto area (municipality of Metropolitan Toronto and the regional municipalities of Durham, Halton, Peel and York) shall implement their source separation programs by September 30, 1992." In two minutes, we do not have enough time to go over it, but I would recommend that you perhaps take a look at it. In fact, the bill is the beginning of the process, not the end.

I take your comments and I congratulate you on being an adviser to your environmental club at school.

**The Chair:** Thank you very much. We appreciate your coming before the committee. If you would like a copy of that initiatives paper, I am sure Mr Wiseman will give it to you right now. If there is additional information you would like to share with the committee, please feel free to communicate with us in writing.

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#### CANADIAN AUTO WORKERS, LOCAL 444

**The Chair:** I would like to call the next presentation, CAW Local 444. Please come forward. You have 20 minutes for your presentation. We would appreciate it if you would leave a few minutes at the end for questions, but that is up to you. Please begin by introducing yourself. We are glad you made it. We know you had a question about that. We are glad you are here.

**Mr Coronado:** Good morning. My name is Rick Coronado. I am the chairperson for the environment committee, Canadian Auto Workers, Local 444. We very much thank the committee for allowing us to come up and state our position on Bill 143. The CAW Local 444 environment committee is a member of the Windsor District Labour Council environment committee and Windsor and District Labour/Environment Project, serving 40,000 union members in the Windsor and Essex county area. We are also members of the Ontario environment network and the Ontario environment network labour and environment caucus.

The labour and environment caucus attempts to bring unions and environmentalists together to seek dialogue and agreement on actions to solve the mutual problems of jobs and environmental issues. We view the environment as a sociopolitical as well as an economic area of concern requiring the combined and collective efforts of all society to seek new alternatives within new structures.

Bill 143 is necessary but the result of many years of bad planning or, should we say, no planning. As a society we have painted ourselves into a corner. We must now try to find a way out of this corner. Bill 143 we believe makes an honest and pragmatic attempt to find a path out of our major social dilemma. In 1971, 21 years ago, unions and environmentalists in the Windsor-Essex area were demanding action in the war against waste. We have attempted through those years to recruit new soldiers in this war to crusade for a new direction and new solutions.

Part I, Interim Waste Authority: We support the Interim Waste Authority but not because we believe that continuing waste landfilling is acceptable, but because there are at the present time very limited alternatives. We are not particularly happy with the long-term emphasis, however, with some cynicism we feel that if our present situation is perhaps a mutant and inherent human trait, then it is probably justified. However, we must add that to continue with long-term landfilling of resources will lead to economic and social bankruptcy long before the GTA proposed landfills are filled.

The Interim Waste Authority will keep Toronto garbage in Toronto. Our environment committee and our affiliates believe that garbage should not be transported to other areas of the province. We must take responsibility for

our own garbage. It is a tall order at this late stage; however, solutions are available.

In Windsor we are contemplating examining the feasibility of a tricity consortium to handle disposal and share resources in waste management as well as waste diversion, reduction and elimination.

CAW Local 444 and the labour council environment committees believe that aboveground land banking can be achieved for those materials that cannot be processed immediately. This would require emergency mobilization of large centrally operated composting and continued promotion of backyard composting as well as the vermicomposting used in high-rise apartments.

Although we accept the idea that inspectors may be required to enter on to private land to carry out examinations, we support the right of any property owner to access all data that are collected and to have the right to call independent experts to evaluate all work. Beyond this point we do not support the philosophy of private property regarding the environment.

Part II, waste disposal sites: We are not in favour of granting permits for landfills that have a capacity to handle 20 years of garbage. We would hope that concentrated efforts to minimize waste and to prevent export to other regions will solve the necessity of planning for 20-year landfills.

We do realize that a few regions may view the export of garbage as an economic windfall they cannot afford to miss. However, if we are to follow the ethic of a conserver society—or, as people like to call it today, the sustainable development model—this scenario will be unacceptable, for it will allow proponents of the free-enterprise mode of social operation the continued function of waste and eventual terricide. We must be prepared to look at a new social contract, one that involves conversion from the culture of waste to a culture of conservation and social equity.

We are pleased to see that the idea of utilizing incineration as a component of a waste management system has been eliminated from Bill 143. CAW 444, along with the labour council and other organizations from the St Clair and Walpole regions and the United States, has battled for six long years the spectre of the world's largest energy-from-waste incinerator in Detroit. We have witnessed the city of Detroit virtually bankrupt itself to put up the money to finance the construction, operation and now retrofitting of this facility.

Incineration is an unacceptable alternative for waste disposal. The environment and public health are the major victims of this type of techno-solution. Mercury and other heavy metals, SO<sub>2</sub> and NO<sub>x</sub> are persistent toxins that find their way into the food chain and bioaccumulate over time. But this is not the only reason for the failure of this alternative. The economics of incineration are bad. Those who have witnessed the Detroit incinerator and its faulty RDF technology, as well as the Victoria incinerator in London, realize that these facilities will not pay for themselves. They will bankrupt a community and compete with 3R programs.

Part III, implementation of the minister's report: We recognize the urgency of finding landfilling space, as is



occurring in Toronto and shortly in our own region of Windsor-Essex. However, we do not support the trampling of individual rights in implementing the minister's order. The Canadian Auto Workers, as well as labour in general, have supported the protection of civil liberties in this country.

We must also once again emphasize that landfilling cannot and will not support waste reduction and avoidance targets as contained in the minister's new waste initiatives paper.

Public hearings may be necessary in matters of implementation, and we must again emphasize that we certainly support an individual's right to a hearing. However, we do not support the individual's right to hold up for ransom the right of a society to pursue what we perceive as the only alternative at this time to fill in these gaps. This could require that an independent board be maintained to deal with these matters. Aboveground land banking should be subject to individual hearings before an independent board.

Part IV, amendments to the Environmental Protection Act:

In section 22, we support banning the transportation of garbage to foreign jurisdictions.

We support section 23; however, we find the idea of the minister or director having the power to enlarge or extend waste disposal sites difficult to accept, for reasons stated earlier.

Overall, we commend the minister for taking a politically difficult initiative. We find most of Bill 143 acceptable, with certain reservations and provisions for amendments as stated within our comments.

Thank you very much. We are now prepared to take any questions.

**The Chair:** Thank you for a thoughtful presentation. Mr Lessard.

**Mr Lessard:** I think the Canadian Auto Workers should be commended for the work they have been doing and are continuing to do to try to improve living conditions within the communities where they work and live. I know how hard you have worked as well to do that job in Windsor.

You talked about the incinerator in Detroit and the economics with respect to that. We have heard from others here who are trying to encourage us as the government to conduct further research before we eliminate incineration as an alternative. Do you feel you have enough information from the operation of the facility in Detroit to justify your decision to oppose incineration, and could you tell us a bit more about the economics?

**Mr Coronado:** Our research was mostly US because we were battling a facility in the United States. At the present time, I am not talking about that particular incinerator, which we spent six years on and which is still not done, but I think the figures were that in 1990, 230 RDF incinerators were operating in the United States, of which there are only 30 operating today.

The economics are not there. If we talk about the waste stream, as we have many times with the Michigan Air Pollution Commission and with Detroit, and about the eco-

nomics and eliminating the various products that are necessary to maintain the economics of incineration, it would totally eliminate the viability of asking a community to put out what it did in Detroit. That was over \$500 million to build an incinerator, and then going back three or four years later to put another \$120 million into retrofitting it because they did not put in the proper technology in the first place.

1210

We can also use the example of Victoria. The Victoria incinerator obviously went broke. It is still operating on a piecemeal basis, but it is certainly not operating the way it was designed to operate. So we do not feel the economics are there.

We also feel that incineration is certainly going to interrupt any attempt by a community to set up a blue box, and even beyond the blue box program. If we are going to go after plastics and recycle them, if we are going to eliminate those items in the waste stream that have high BTU, that is where the battle between incineration and recycling and reduction comes from.

**Mr McLean:** Concerning one part of the bill, I would like to hear your comments with regard to the public process and individuals having input into establishment of landfill sites or alterations. It concerns me greatly. If anyone was introducing this bill except the party that is introducing it today, we would have this whole room full of placards opposing the EA, the public process—that people are not being heard.

Here today, from what I am gathering, you are supporting most of it except that part of it really. I think you agree with me that the process of public participation is not there. What are your comments on that?

**Mr Coronado:** Well, you heard my comments. As I said, we think that is necessary and must be maintained. We do agree with Bill 143, but that is one area we feel cannot be trodden on. We believe people have the right to have input, to have their say on these issues regardless of the bill and how it is set up.

We feel very nervous that we would be infringing on private property rights, although coming from the long term, we are not in agreement, and we have made our presentation to the constitutional setup federally that private property and the environment do not mix in a lot of cases. However, we feel that people have a right to have a say, and we have battled that issue for many years.

**Mr McLean:** Do you have any course of action you are going to take to make sure that happens?

**Mr Coronado:** We are certainly going to be making presentations to the minister, and I think obviously the labour unions and the environmental groups in Windsor-Essex are going to maintain that level of public consultation and public involvement.

I might add that there are many areas over the last 10 to 15 years where we have had major problems in public involvement and public participation, and we are certainly not going to lose it now.

**Mr Ramsay:** I would like to continue to pursue this point, because as legislators we are guilty sometimes of

the very same thing. Because we agree with some of the principles in a bill, we sometimes support legislation that in the end is flawed. I think we are going to have to start to work sharper as legislators to make sure we do not allow legislation to pass, even though there are some good aspects, as there are to this bill, when the bill is flawed.

The principle here, as Allan has just talked about and on which you are in agreement, is the principle of the public participation that people in the last 20 years have fought for to get to this point. It is very worrisome that we will allow that principle to go by the wayside because of other good aspects. What is your comment on that?

**Mr Coronado:** I would not go so far as to say we are going to be shortchanged. I do not think anybody is going to shortchange the public on public input. Yes, there are some problems in there with public input. I think amendments could change that issue. I think we have had the opportunity over many years of having access to the various ministers, and I go back to at least the last two governments.

We had good rapport with Jim Bradley. We have had good rapport with Ruth Grier. We do not have any complaints, but we have to constantly remind any government in any position that this is the direction we want to go in, and there are obviously going to be some differences of opinion.

I can appreciate where the minister has come from. I have had some very lengthy talks with Jim Bradley and Ruth Grier about that very issue. It is a very difficult position we find ourselves in. I can recall Jim Bradley saying many times that perhaps it is one of these positions where you are damned if you do and damned if you don't; you are in a particularly difficult corner.

I have to say that as the political leadership of this country, these are the people we have to be questioning. For years we have attempted to battle this issue, particularly waste management and public input. We have to go back and look at our own backyard in Essex-Windsor, where we have not had proper access to the means whereby they are coming up with these proposals. We have wasted literally millions of dollars in Windsor and Essex fiddling around with private sector proposals when we should have gotten on with the job. These are our concerns, and we are going to constantly bring these concerns to the politicians.

**Mr Hayes:** Thank you for coming today, Rick. I am not a regular member of this committee; I am just filling in for one of the other members today. The thing is that I do not know how the committee has been going, but the comments I hear, especially from the official opposition, are: "Let's get rid of this bill. Let's start over again. Go back to day one." Being in the labour movement, you have been involved in legislation, especially health and safety legislation. Bill 208 was a good example where the labour movement did not like the whole bill but felt it was a step in the right direction. I would like you to comment on that. In your opinion, even though you are going to have further input in this, what would happen if this government decided, "Let's withdraw this bill and start over again"?

**Mr Coronado:** No, I think we would be at the door right away to say no, we cannot get rid of this bill. We have to make a decision. We have been delaying these kinds of decisions for too long. As I said in my comments, we have put ourselves in the corner. Now we have to make some very difficult decisions. I can appreciate where a lot of the people in the greater Toronto area are coming from, but one thing that we have pledged, just as lately as Walpole Island, at a meeting with four labour councils and a number of environmental groups around the area is that we do not want to support transporting garbage across borders or international boundaries. Let's get on with it. Bill 143 has some flaws. Let's make some amendments. Let's support it and let's push it through.

**Mr B. Murdoch:** Just as you said, "Let's push it through." This is what the government wanted to do. They wanted to have this through by December without public consultation. That is what makes me so concerned about this, that they were going to just push it through. If it was not for the opposition, you would not be here today. That is why I am saying that maybe we should withdraw this whole bill and look at it doing it properly. Obviously there are flaws because there have been a lot of people here today saying, "We haven't been consulted."

**Mr Coronado:** I disagree with you. I think there are always flaws in any bill. We could sit here and waste more time and spend a lot of the taxpayers' money trying to find flaws in a lot of bills we are not happy with. I think that Bill 143, for some of the problems it has, is acceptable. We will stand on it. We will support it. However, we will bring to the attention of the minister and the opposition parties our particular aspect that public involvement and public participation must be an important part of this bill. As it stands now, and I agree with Mr Hayes, there are very many examples of other bills that have gone through the same way.

**Mr B. Murdoch:** You would not have had that chance if it had gone through the way it was.

**Mr Coronado:** We will give you a medal.

**Mr B. Murdoch:** That is very nice coming from the union. I appreciate it.

**Mr McClelland:** I am not sure anybody is looking for any medal, but I think there is an awful lot of substantive material on the table that has resulted from the presentations that have been made. My concern in part flows from what Mr Murdoch has said. You have stated that there are some concerns you have and you want to see some amendments brought forward. There have been an awful lot of other people who have said the same thing. The result of this process is such that in the final analysis approximately 40 seconds of third reading debate, if you apportion it equally, will be attributed to your presentation, sir.

The process has been determined by a government that quite frankly said that it believed in open and public consultation. If you take a look at the number of deputants who have been here, the average time that would be allotted would allow 40 seconds of participation on the substance of the amendments I am hoping you will bring forward. That is one of the concerns we have about this. I think you



are right that a lot has to be done. You cannot go back to square one, but certainly you have got to look at the fundamental principles that are involved here. If they do not work, let's get the amendments in place that you can present to us. That will be helpful. Let's work with them. Let's give them their due course and an opportunity to work with them in some meaningful way.

**Mr Coronado:** What are you advocating, that we do away with Bill 143?

**Mr McClelland:** Yes, I am. I will be very candid. I will say to you very plainly that I am quite frankly astounded that the CAW would come forward and say that you believe in overriding all the rights Bill 143 overrides, that you believe in overriding the municipal authority and the municipal autonomy that has been granted in the past, that you believe in the principle of overriding agreements that have been entered into in good faith. I guess the thing that a lot of people hold as sacred is their own property, their own home, and a lot of that is put at stake. This says: "You entered into an agreement in good faith, you believed people, you thought this was what was in place. I'm sorry. We're going to override it." It further goes on to say, "If there's anything else that stands in the way, we're going to just wipe it out by way of regulation."

**Mr Coronado:** That is funny. Where were you 21 years ago when we were hollering and yelling to get on with the job? You as a politician have painted this society into a corner. You are the leadership. You are the people we come to to ask for decisions and answers as to where we go, and now you sit there and tell me that.

**Mr McClelland:** Absolutely.

**Mr Coronado:** Give me a break. What would you want? What are you advocating? What is your position on Bill 143? Do you want Kirkland Lake to take the garbage? Do you want North Bay to take the garbage? If it stays in greater Toronto, let's handle it. What do you do with your garbage? Do you throw it on the curb and forget about it?

**Mr McClelland:** Let me tell you, sir, that the people who fought 21 years ago fought very hard to get the rights in place—

**The Chair:** Order.

**Mr Coronado:** As far as I am concerned, we will maintain the rights.

**The Chair:** Order. I am going to have to say thank you very much for the presentation. Mr McClelland, I cannot allow the debate to go on further. Time has expired. Thank you very much for your presentation. We appreciate your coming before the committee.

I have some housekeeping before members leave, some important announcements, please. The committee will reconvene at 2 o'clock for this afternoon's presentations. For the information of all committee members and staff, the holding room for all luggage is room 120. Please have everything there by 1 pm. That is extremely important.

The committee has to make a decision so that we can direct our researcher. As you know, Jerry is putting together a summary. That will be very helpful for all members and caucuses during the clause-by-clause process.

Clause-by-clause begins Monday, March 9, at 2 pm. We have to give some direction to research as to when we would like to have the completed analysis of the hearing process ready. We can either direct Friday, February 28, by 4 pm, or Monday, March 2.

The final date for all amendments is March 11. That means that you have to consider when you are going to need the summary by, so that you can plan. The other request from the clerk is that we have the amendments as soon as possible, but the last possible date is March 11. What I would like to know is when you would like to have the summary.

**Mr Wiseman:** My question would be to the researcher. Knowing his desire to give us a high-quality document, when would he feel he could have a high-quality document ready for this committee, the earliest date of that.

**Mr Richmond:** If you could give us until Monday, March 2, that would give us adequate time. My concern is that there are over 250 written briefs. I would like to make sure, even once the material gets inputted—thank God we have word processors—that there is adequate time to edit and proofread it. Because this document goes to the committee and the public, I would like, in view of professional standards, to get the best product out. If you could give me until Monday, I will do my level best to get it to you. I will table it with Lynn, the clerk, and she will handle the distribution.

**The Chair:** Is that agreed, Mr McClelland?

**Mr McClelland:** Yes.

**Mr Wiseman:** Just one last thing about that. As soon as you get it, will we be getting it right away, the same day?

**The Chair:** This is what I am going to tell you right now. That is next. The request from research is that the document be in the clerk's office by 10 on the morning of March 2. That will allow the clerk sufficient time to see that it is copied and couriered on that day to caucus researchers and whips as well as members of the committee. You will probably not receive it until late afternoon on March 2, but you will have it on that day. If you could have it in by 10 am, Jerry, that will ensure that everyone has it on March 2.

I repeat again that the last date for receipt of amendments is March 11 and that clause-by-clause debate begins on March 9 and concludes on March 12. We are all set for that.

**Mr Wiseman:** On the amendments, I believe the clerk has indicated that up until noon you will be able copy them but any amendments brought in in the afternoon should have 20 copies.

**The Chair:** We will make that reminder again on the 9th. We will remind everybody about that on the 9th. It will be in Hansard, but if you want, I will go over it with you afterwards again.

Thank you all. This committee stands in recess until 2 o'clock this afternoon.

The committee recessed at 1225.

## AFTERNOON SITTING

The committee resumed at 1401.

**The Vice-Chair:** Good afternoon. The standing committee on social development will commence with hearings on Bill 143 in the afternoon session.

## CITIZENS ENVIRONMENT ALLIANCE

**The Vice-Chair:** Our first group is the Citizens Environment Alliance. Would you come forward, please, and identify yourselves for the sake of Hansard. You have 20 minutes to make your presentation. We would appreciate if you would leave a few moments for questioning by members of the committee. If you would commence, please.

**Ms Menyes:** Thank you, Mr Chair. My name is Rose Menyes. I am an environmental planning consultant retained by the Citizens Environment Alliance of southwestern Ontario out of Windsor.

I have been retained by the alliance to act for it on behalf of its membership regarding waste management issues in Windsor and Essex county as well as regarding Bill 143 input. I suppose the first comment I would like to make on behalf of the Citizens Environment Alliance really relates to the waste generated by this so-called waste management process. It does not only relate to this particular committee and the process regarding Bill 143; it also relates to the waste management process all across Ontario with respect to the myriad of consultants' reports that are produced and the waste generated by waste management committees in trying to resolve the waste management problem.

It is quite scary sometimes when you look at all the reports, and if you really go through some of the reports it is unfortunate that the consultants—I am going to speak very broadly and generally because I am a consultant myself—like adding, thickening the pot and putting paper into reports that are repetitious of what was in the previous report. The usefulness of some of that material is really questionable when it keeps repeating itself over and over again.

It comes as some surprise, not only as a consultant but as a resident, that some waste management committees do not take a little more positive direction to their consultants. Some of them must read the reports that are produced regarding the waste management issue and they have to see the repetition. I think it is a real crime that this is going on in terms of trying to resolve the crisis we already have, yet we are producing so much waste ourselves.

In particular as it relates to this committee, I believe one of the directions we received when we submitted our group as coming before this committee was that we were required to submit 30 copies of this submission. I am not really sure whether 30 copies are absolutely necessary, but that certainly leaves something to be desired. The report the Citizens Environment Alliance has submitted is a one-page report with double-sided copying and it is certainly brief. It has not tried to repeat submissions you have had from other groups in the province. We are trying to focus on a few issues and bring some points home. Rather than

repeating the whole issue that you have probably heard in your travels through the province, we are trying to ensure that only a few of the important messages get to you in terms of our submission.

The Citizens Environment Alliance firmly believes in the ecosystem approach to environmental planning and daily decision-making in terms of municipal, provincial and any groups that make decisions that affect the environment. We certainly realize, as many of you do—I suppose the profile of this is coming more to light—that everything is interconnected and interrelated and that the quality of life and human health depend on that interconnectedness. Negative effects to the environment obviously will negatively affect the quality of life, and certainly human health has been drastically affected in the Great Lakes basin. There are all sorts of scientific studies available now that certainly demonstrate this in terms of wildlife, and slowly in terms of human health as well.

The Citizens Environment Alliance has been involved with the waste management issue since about 1988. Since that time the group has proposed different alternatives and different options to the local municipality and to the waste management committee all in an effort to reduce waste. In 1989, the group suggested that a household hazardous waste program be established. The following year a household hazardous waste program was established, but it only allowed for pickup three to four times a year. Three years later there still is no permanent depot to deposit household hazardous waste in Windsor and Essex county. Some of this waste is still going to the landfills in Windsor and Essex county.

In 1989 the group also offered suggestions to the waste management committee regarding mixed plastics. Unfortunately, the only plastics that are collected in Windsor and Essex county right now are the PET plastics. Although suggestions were made for above-ground storage until appropriate markets and appropriate processes were found, the suggestions were not implemented and we still have all these plastics going into landfill. We have lost valuable landfill space because of that. There are many municipalities in Ontario that are collecting mixed plastics today. Windsor and Essex county is not one of them.

As a result of all this involvement, we are certainly relieved to see that there is some impending legislation regarding the reduction of waste. Bill 143, with some amendments and some changes that will hopefully improve it, will certainly help us to take some more positive steps to reduce the waste stream.

We did not really want to get into the details about the GTA specifically. As a result, we are only going to comment on some sections that we feel may have provincial implications for future initiatives. The Citizens Environment Alliance is definitely and positively opposed to any incineration. The group, since the late 1980s, has been one of the key groups in fighting the battle against the Detroit incinerator and the transboundary impacts in Windsor and Essex county. We certainly are not going to look favourably



on any consideration for incineration in terms of transporting our local waste across the border to have it incinerated in the Detroit incinerator. That is a vicious circle. We certainly do not want to have any part of it.

1410

Incineration is obviously a detriment to the 3Rs. When you build a monster you have to feed it, and if you feed the monster you lose the ability to have effective reduction and recycling programs. I have briefly touched on air emissions—dioxins, mercury and all sorts of other things. They are obviously a concern. Even with the best available control technology we still get some impact. Small as it may be, it bioaccumulates in food and in people. We are certainly not prepared to support any type of incineration as an alternative.

We are also strongly opposed to the export of waste across transboundary frontiers or across regional-municipal boundaries. However, we recognize the need for possible regional management of waste. There have been some meetings that we have attended regarding discussions on a tricity waste management authority. That might be one of the many solutions needed to deal with the waste in the southwestern tip of Ontario.

Bill 143 certainly talks about landfill quite a bit. Landfill as the disposal solution should not be considered as a long-term solution. There needs to be some clarification. There should be a goal to minimize landfill through reduction and the investigation of alternative and new techniques for landfilling; in other words, separating certain items in the waste stream and having them stored above-ground etc in suitable sites.

We certainly hope the Initiatives Paper No 1 released by the minister will minimize the use and expansion of landfills. We hope that paper does that job for us. If it does not, then please make those considerations when you are looking at this aspect of the bill.

To follow that up, it is certainly critical that policies for effective decision-making are established by the minister. But if and when those policies are established, there needs to be public consultation. The public needs to be involved in the process before the decisions on policies are finalized.

We certainly support part II, section 16 of the bill in terms of offering funding for participants at an earlier stage in the process. That is very good from the public perspective and certainly should help us to have more effective decision-making in public input knowledge.

In part III we are very concerned about the removal of the right to have a formal hearing, in particular as it relates to subsections 18(6) and 18(7), in terms of the fact that the minister is delegating that responsibility to a director and it is his or her decision as to whether there should be a hearing. Then on top of all that, he or she does not necessarily have to provide notice of the decision or notice of whether there will or will not be a hearing. That is very concerning to us, very upsetting for us. No hearing and no public notice are not acceptable. We strongly recommend that the minister maintain this authority and not delegate it to directors. There has to be some sort of public accountability here. We do not necessarily feel that a director can

provide that impartial decision-making and necessarily have to take the responsibility upon himself or herself.

In part IV we generally concur with the proposed amendments to the Environmental Protection Act. Certainly it is a good start, but does it really go far enough? I am sure that in your travels throughout Ontario you have heard about whether in fact part IV goes far enough in terms of excess packaging, packaging legislation, packaging limitations, disposal etc. We are not really going to expand on that. I am sure you have heard enough in terms of waste reduction strategies and whether part IV really goes far enough in terms of that.

But as to the proposed amendments to the Environmental Protection Act that deal with the delegation of the minister's powers under the act, we question whether that should proceed in that fashion. We believe the minister should have that responsibility and those powers should not be delegated. We request that you seriously consider that aspect. It is unacceptable to deal with decisions that have no public accountability and no possibility for public input. The transferring of such powers to a director, in our mind, may not necessarily be in the best public interest as a result.

We certainly believe that we must move towards a consumer society, and that requires major lifestyle changes on the part of all of us, each and every one of us. We all have to evaluate the ways in which we deal with our daily lives and our habits and our lifestyles. All that needs to change.

I sound like a broken record, I am sure, but those changes need to be made and we will need to take some responsibility. We are all part of the problem and we are all part of the solution. We have to work together, and together, hopefully, in processes like this, we can come up with a palatable solution that will deal with resolutions to the problem. Waste reduction is definitely critical, but education is the key. Without education, without educating the public and the residents of Ontario on the necessary lifestyle changes to be responsible for the wastes they produce, it is going to end up a failed system.

It does not matter what kinds of regulations and legislation we put into place. It is the people of Ontario who have to make changes in the way they live every day. Unless they do that, unless we all do that, and unless there is some sort of formal education outreach program that goes out from the government to the people and provides some sort of incentives, we are not going to solve this problem. In the year 2000 we are still going to be looking for what we are going to do with our waste. We hope everyone realizes that the future is in our hands. If we are going to leave any type of legacy for future generations, at the very least we should try to leave a clean and safe environment with air fit to breathe, food fit to eat and water fit to drink.

Thank you, Mr Chairman.

**The Chair:** Thank you very much for a thoughtful brief. There are four minutes for questioning.

**Mr Lessard:** I want to thank you very much for your submission and for coming from Windsor to attend the hearings today. You made some interesting points with respect to

waste caused by waste management. As far as the process in Essex county is concerned, it is interesting to note that we have been working on this for years and have spent millions of dollars and now the consultants are recommending that the existing sites be expanded, and we have spent all that time and money in order to get that result.

You also mentioned meetings you have had with respect to regional management of waste disposal in Essex, Kent and Lambton counties. That is something Rick Coronado from the CAW mentioned this morning. I did not get a chance to ask him about that, but I wonder at what level those meetings are taking place and how you have become involved in them?

**Ms Menyes:** I suppose the levels are so far only limited to CAW, labour and environment groups. However, we have had a meeting with the mayor of the city of Windsor and have discussed this issue with him as well, so it is in the very initial stages of talking about this, although the labour movement in our region has certainly talked about this for some time. We are just slowly starting to make some progress towards that, and hopefully we will be able to get a meeting in the near future to talk about just that at a government level.

1420

**Mr Ramsay:** Rose, I want to follow on this issue also because I was very impressed that you brought up the idea that we should be looking more regionally for the management of waste. I agree, and it is interesting that groups such as yours seem to be, as usual, ahead of government and politicians in this thinking. It is one of our criticisms of this bill that the arbitrary, politically drawn lines of municipal jurisdictions are the lines that also have to contain the waste.

I think you are right and I hope the government members will listen and you pursue that so we have more flexibility, so we can make environmental decisions rather than political decisions on this. I wish you well on that.

**Ms Menyes:** Thank you. We still feel, as a group, that you are responsible for taking care of your own waste; the waste you produce should be taken care of where it is produced—although there are some regional areas, and maybe the GTA is an example, where you have to reassess and look at where exactly things should go and are more suited.

**Mr McLean:** I was concerned about the Windsor-Essex blue box program that you referred to in your remarks. Why has it not been proceeded with in that area? What has been the problem there?

**Ms Menyes:** We do have a blue box program, but it only is collecting PET right now in terms of plastics. They have not really progressed from the basic blue box program in spite of the fact that groups such as the Citizens Environment Alliance have been, for the last three years, coming up with suggestions and alternatives to deal with it. They have not moved on it. It is unexplainable to us why the politicians have decided not to implement it.

**The Vice-Chair:** Thank you very much. The time is up. As you know, if you have further information for the committee, you may let us know in writing.

DIANNE WRIGHT

**The Vice-Chair:** Has CUPE Local 82 arrived? Since they are not here, I would ask that Dianne Wright come forward. Please identify yourself for the purposes of Hansard. You have 20 minutes for your presentation and we would appreciate a few minutes at the end for questions by members of the committee.

**Mrs D. Wright:** Good afternoon. My name is Dianne Wright. I am a mother of two. I got my husband to take the day off work so I could come down and visit with you and give you some of my ideas regarding the amendments to the Environmental Protection Act, Bill 143, part IV.

As a mother of two, I genuinely dread what future may await them, but more pressing to me has been the dramatic changes I have witnessed in my lifetime, which is not too awfully long yet: changes in the quality of water, air, wildlife and forest cover. I am afraid to swim in the lake. I worry when I think about the quality of the water my family drinks. I am frightened when I think about the contaminants in their food.

My feeling is that we are still compromising the earth and the future of all creatures. Yet with strong action through the amendments to this act, we could make a difference. Sooner or later we will have to wake up and smell the coffee, bite the bullet, determine what is really important, the packaging or whether what is in it is edible.

Although I am here as a concerned individual, my ties to certain grass-roots citizens' groups are strong and I would like to discuss their goals. I too am with the Citizens Environment Alliance. Its mandate is to protect, restore and enhance the quality of the local environment in the Detroit-St Clair River corridor and in the Windsor-Essex county region. The proposed waste management objectives of the CEA are to support the 3Rs to lead to a zero waste disposal strategy. I do not wish to comment on any waste strategy. With this in mind, the CEA has worked with and supported Environmental Action Ontario's excess packaging campaign.

The campaign received the support of over 55 municipalities in Ontario. Its goals are that fast-food restaurants provide reusable dishes and cutlery for their sit-down customers; that the province impose a special tax on disposable take-out containers with revenues dedicated to waste reduction efforts, and that supermarkets reduce their excess packaging.

The fact that we receive support by municipalities to that degree indicates they would welcome strong government legislation, strong government intervention. Although we have been campaigning to seek legislation and changes in corporate policies, generally this has not occurred.

What do citizens like yourselves believe to be an over-packaged item? We handed out over 9,000 Dirty Dozen survey cards across the province to shoppers in supermarkets asking them to identify 12 products which they felt were overpackaged. Funded by Environment Canada, the number 1 item was Tetra Paks or drink boxes—I am sure you are all familiar with them—followed by vegetables on a paper-board tray and wrapped in shrink wrap; processed cheese slices; meat, fish and poultry on a polystyrene tray



wrapped in shrink wrap; individual cereals; sanitary pads or tampons; cookies; pudding cups; pumped toothpaste; bagged milk, and frozen dinners. In other words, our everyday fare is overpackaged. An opportunity exists for this legislation to clearly identify what packaging should be made of in order to maximize source reduction, reuse for the same package, and the ability to recycle the packaging material.

Packaging is considered excessive when it uses more resources than necessary to efficiently serve practical purposes. Packaging that could be reduced or eliminated through this act might include that packaging whose function is marketing and display of a product. Cereal boxes do not seem to serve any purpose other than advertising. I have one here as an example. It has lovely raspberries and granola in it, but I really just want to see what is in it when I buy it.

They block the consumer from actually seeing a product, and in this instance it would be nice to see what we are buying, not a picture of it. Gimmicky packaging directed at children that is designed specifically to be thrown away, such as the squeeze-it bottles, could be removed since it promotes a throwaway attitude in our most vulnerable age group. They are gimmicky and they have nothing useful inside either.

The single-serving package which is designed for convenience and for measured portions, such as individual cereals, soups, drink boxes and the whole gamut of microwavable meals in disposable dishes needs to be examined. Industry has not provided us with responsible packaging choices, nor has it integrated the cost of disposal into the packaging.

Would you be willing to pay a tax on fast-food throwaway containers? We asked 4,000 people across Ontario and 74% approved of an environmental tax on fast-food throwaway containers; 86% support fast-food restaurants serving sit-down customers on reusable dishes. We have reached a point where citizens are prepared to make a financial commitment to environmental protection and I hope this act will follow through and take advantage of this opportunity.

I must admit to having difficulty deciphering the proposed amendments. I confess I am not a legal beagle. In comparison, I found the federal legislation being implemented in Germany to be far more readable and direct. I am just a layperson, though.

1430

The ordinance on the avoidance of packaging waste places packaging into three categories and identifies the types clearly. Transport packaging, sales packaging and secondary packaging will be returned to the producers whose responsibility it will be to recycle. Why can we not take a close look at this legislation and apply it here?

The use of the word "avoid" conveys a strong sense of conviction. "Avoid" by definition means to keep away from, to shun, to refrain from, while the term that we generally use here is "to reduce," which means to bring down, diminish in size and in quantity. Will our legislation have that strength and conviction that seems to be apparent

in the German legislation? I hope that we can meet this challenge.

Packaging legislation must stress source reduction. The costs must be integrated into the product, and producers or manufacturers must take responsibility for whatever packaging remains. Those who would criticize us concerned citizens suggest that we are against progress. Progress means to advance or develop towards a better state, and I believe that beginning the process of long-term change towards a sustainable way of life is progress.

We want ultimately to see less overall packaging, not just a package that has lost weight. We need standards, regulations and legislation, and we need to work in conjunction with all interests considered, but the environment must be considered first. Thank you very much.

**The Vice-Chair:** Thank you very much for a very thoughtful presentation. We have got a total of 10 minutes, so three minutes per caucus, giving you one minute to sum up.

**Mr Lessard:** I think I speak on behalf of all the committee members in saying how much we appreciate having concerned citizens and parents take their own time and effort to make presentations to us. You have no financial interest in the outcome of any of this legislation and therefore your views are appreciated and very important.

You talked about some efforts that you have taken at reducing packaging, and you talked about the survey you did. We have had a number of corporations and retailers come before us and say: "Let us do it voluntarily. We can respond to those issues without regulation." I just wondered whether you conveyed the results of your survey to retailers and to the corporations that produce those items and if you saw any response.

**Mrs D. Wright:** Yes, we met with many of them, many of the fast-food chains and the supermarket people down in Toronto, and we conveyed our responses from a number of surveys we did, including the two I mentioned. They were quite open in a lot of cases and a lot of them felt that they had already been doing a very good job. We appreciate the fact that they had tried, perhaps more through the back door and the transportation part of their packaging as opposed to what goes out the front door. We got a very positive response from most of them, but I think they feel limited as to what they can do because they are afraid that the competition is not going to be doing it. If there is something right across the board—the fancy expression is "a level playing field"—then they would probably take that initiative much further, but you have got to make the first step.

**Mr McClelland:** We have heard a lot of people come before the committee who have made some very valuable and worthwhile suggestions, as have you. Many of them had been pursuant to part IV of the bill, which provides the legislative authority to move in certain directions with regulation. At the same time, people have come who have said that they want to be partners in the process.

I just simply want to say for the record in response that I am not sure that it is always an either/or and an us and them. I think there needs to be an atmosphere, and I am

sure you would agree and I hope you would agree, where there is a cooperative spirit in all segments of society and all sectors: citizens, government and the business sector getting together. There have to be issues of leadership, and you have to be on the cutting edge.

You may not have been here before lunch when somebody said, "Well, would you scrap the whole bill?" I said, "Yes, I would." One of the reasons I would scrap the whole bill is because we came up with something that we thought was worthwhile and that was to carve out part IV, and we did that. We felt very strongly about other parts of the bill and said early on in November, even prior to—

**Mrs D. Wright:** I do not agree with cutting out part IV at all. I think you need to strengthen it extremely.

**Mr McClelland:** Hang on. Can I finish? Carve out part IV and bring it in as a separate piece of legislation, bring to it some amendments, tighten it up in certain areas and back off in other areas. That is the process we believe in, that part IV of the bill should be kept alive. When I say "carve it out," I mean carve it out, keep it alive, deal with it, and deal with it as you have suggested, by looking at specific ways to improve it. I just want to say thank you for your suggestions, and I hope we can work positively towards accommodating that.

**Mrs D. Wright:** Can I just say one more thing?

**Mr McClelland:** Go ahead.

**Mrs D. Wright:** I do not think that it needs to be carved out or separated from the whole Environmental Protection Act or from the whole waste disposal—

**Mr McClelland:** Maybe I should not use the terminology without explaining it fully. I do not mean carving it out from the Environmental Protection Act—that is the whole purpose of part IV, to deal with the Environmental Protection Act—but to deal with part IV, focus our attention on that, focus the attention on the positive initiatives that need to be taken. So I think we are, for the most part, saying the same thing. I am just saying it is a matter of focus, and that is where you have said our focus should be; that is where I believe our focus should be.

**Mrs D. Wright:** I do not think the legislation you have proposed is strong enough. I am just a layperson, and it is not very readable. If you take the English translation of the German legislation, I do not know if they have changed the words or what, but I can read it and I can comprehend it, but I cannot comprehend part IV very well.

**The Vice-Chair:** Join all of us; we are not lawyers.

**Mrs D. Wright:** Okay, thank you.

**Mr Hayes:** A very good presentation, Dianne. There is a group they call the national packaging protocol. Of course it is a voluntary group, and the Minister of the Environment in Ontario is part of that, and we have industry also and environmentalists. With the participation of industry, it is alluding to what Mr Lessard had to say about industry wanting to do things voluntarily. What we are actually seeing is that this would pertain to anything that is packaged or sold in Ontario.

How do you feel about my government coming out with legislation or saying it is voluntary and "Do it on your own" versus legislating it to ensure that it is really done?

**Mrs D. Wright:** I am sure that industry is aware of the national packaging protocol and if it wanted to it could be working towards those goals at this time. Is that not correct?

**Mr Hayes:** Yes.

**Mrs D. Wright:** So have we seen any major movement in that direction?

**Mr Hayes:** There is some. It is not going to be an overnight thing, I am sure.

**Mrs D. Wright:** How long do we have to wait?

**Mr Hayes:** You have been waiting a lot of years now and we are trying to speed things up.

**Mrs D. Wright:** That is why I think you need to go ahead with legislation and try to coax them along. We cannot wait much longer.

**Mr Hayes:** Very good.

**The Vice-Chair:** You have got a minute to sum up if you wish.

**Mrs D. Wright:** No. Thank you for your time.

**The Vice-Chair:** Thank you very much for a very thoughtful presentation and some personal insights and also some practical suggestions.

#### WARWICK WATFORD LANDFILL COMMITTEE

**The Vice-Chair:** At this time I would ask that Warwick Watford Landfill Committee come forward, please. Would you identify yourself for the purposes of Hansard, please.

**Mrs Aarts:** I am Cindy Aarts from the Warwick Watford Landfill Committee.

**The Vice-Chair:** You have got 20 minutes to make your presentation, and, as I have stated before, we would appreciate a few minutes for questions by members of the committee. Go ahead.

**Mrs Aarts:** On behalf of the WWLC, Warwick Watford Landfill Committee, I welcome this opportunity to speak to you today about the critical issue of waste management in Ontario, in particular Bill 143. The members of our committee believe it is essential to express our views about the process that is currently under way that is determining the province's future waste system. While our concerns about the current system of waste management are many, the one I would like to address today is the relationship between public and private waste management systems, primarily disposal companies.

Four years ago I, along with most of my neighbours, knew only that Laidlaw, a company that currently owned and operated a 100-acre landfill site, was proposing to double its size to 200 acres and as a means to that end bought 600 acres of prime agricultural land all around us, right next to the town of Watford.

What started off as a series of self-interested meetings in our farm kitchens has grown into a community of enlightened individuals who are searching for equitable and lasting solutions. We boast a central committee of eight



individuals who have the complete support of 1,500 rural and town residents, along with their mayors and our council members. We belong to the Rural Action on Garbage and the Environment coalition, which represents 10 citizens' groups across Ontario. We purchased stock in Laidlaw so that we were able to attend their annual meetings. We have participated in Laidlaw's pre-submission consultation process events. Members of our committee are involved with the Lambton county waste management plan.

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We are not simply opposing a little landfill site down the road. We already have one; we live with it every day, and we accept responsibility for our area's waste, but when Laidlaw placed our community under siege almost four years ago by proposing to transport Toronto's garbage to Warwick township and other sites in Lambton county, our fight began. We are not, in any sense of the term, willing hosts.

The WWLC supports part II of Bill 143. With regard to the GTA, the Minister of the Environment made a good decision, in our opinion, that a landfill site search for GTA garbage should be conducted within the GTA boundaries. Having to keep waste close to home does create a very strong incentive for waste generators to minimize their waste production. We urge that the transport policy be consistent across the province. If the same administrators who control the 3Rs program are also responsible for the local landfill sites, you can be sure that they will do everything in their power to conserve landfill space.

Private developers create tremendous conflict in our communities as they propose landfills and incinerators across the country. Private companies consider garbage a growth industry, and therein lies the conflict. How can we expect a company which makes its money from volumes of waste to encourage garbage reduction?

In his presentation to your committee on January 22, Mr Cook of Laidlaw said that his company pioneered the blue box program "as part of our commitment to proactive waste resource management." In Warwick township, Laidlaw provides the residents with one large bin in which the only recyclables acceptable are clear glass, tin and newsprint. They do not accept wood, gypsum board, corrugated cardboard, clear glass, plastics and have yet to introduce composting.

Laidlaw provides little commitment to our community towards waste resource management. Laidlaw operates according to a profit margin, as do all successful companies; but where there is profit, there is loss. In the case of Laidlaw and the community, it is most definitely the latter which shows up the loser. Laidlaw does not answer to the public, but rather to its shareholders. Our local concerns are too often immaterial to them.

While we strive for reduction of waste, Laidlaw is looking to grow bigger and bigger. Site proposals originate with private garbage companies intent on developing new sites or expanding existing landfill sites for profit. Many private firms, including Laidlaw, still hope to capture huge disposal revenues by transporting GTA garbage over the next 20 years.

The disposal industry has little interest in waste reduction because it makes money on disposal of waste. Laidlaw, for example, does not even use the word "reduction" when talking about waste management. They describe waste management as "recycling and disposal." They have told us that if they could, they would have a licence to bring waste as far as their trucks could haul it. In other words, their approach to waste management is a volume business with only a passing interest in recycling.

A good example of this is our own site in Warwick township, where there are no gate restrictions on what goes into the site except for hazardous waste; they do not accept that. They accept anything from refrigerators to scrap iron because their interest centres on disposal. In many ways, Laidlaw's disposal operation reflects society's own wastefulness, but now that we have an opportunity to restructure our waste management system, we need to ask ourselves whether we want Laidlaw's disposal interests to undermine the public commitment to reduce waste.

The purpose of public waste management, on the other hand, is to look after the needs of each community. The responsibility lies within each community to keep the volumes of garbage down so that a crisis does not arise. This approach translates into reduction of garbage at its source. Living with the realities of one's own waste reinforces environmental awareness and makes each of us sensitive to garbage problems and solutions. Sites must be located near where the garbage is generated. Private disposal companies will not agree with this concept for obvious reasons.

Private companies that answer to shareholders often emphasize profits over local accountability and even ministry regulations. Bruce Cook from Laidlaw said in his report to your committee that there seems to be a growing mistrust among Canadians towards private industry. We might ask Mr Cook why the public mistrusts companies such as Laidlaw.

Three years ago when Laidlaw officials first introduced their expansion plans to our community at an open house, they promised us that the expansion was in no way the target for Toronto garbage, yet exactly one year later Laidlaw submitted a proposal to SWISC, the Solid Waste Interim Steering Committee, designating the Warwick site as one of the three company landfill sites in its bid for Toronto trash. There was no public consultation with citizens on this bid. Over the past few years our citizens' group has received little cooperation from Laidlaw on issues that range from waste reduction initiatives to alternatives to landfill expansion and the public consultation process in general.

There are grounds for mistrust of private disposal companies. In June 1990 six charges were laid against Laidlaw Waste Systems: two tonnage violations and four height violations. In April 1991 Laidlaw was convicted of the tonnage violations. The height violations were dropped as part of a plea bargain. The company was fined \$24,000. It should be noted that it was a local resident who initiated the investigation after noticing a tremendous increase in truck traffic. Laidlaw is only allowed 200 tonnes of waste per day but was receiving 3,800 tonnes per day during a three-day period.

Another example: In January 1992 the quasi-judicial competition tribunal found that Laidlaw has used stealth, threats of litigation and anti-competitive contract terms in an attempt to monopolize business in areas in British Columbia. Laidlaw's successful efforts to buy up most competitors on Vancouver Island left customers with little choice but to agree to unfair contract terms locking them into long-term deals with automatic price increases. Mr Howard Weston, director of the competition bureau, was quoted as saying, "The waste management business has a history of anti-competitive behaviour across North America that must be combated."

Since 1972, on our Warwick site alone there have been several violations and unsafe practices investigated by the Ministry of the Environment. I must emphasize that Laidlaw was not charged on all of these violations, but these occurrences indicate the rather questionable practices of the company. On December 17, 1975, the MOE discovered plating sludge from Crouse Hinds Ltd had been disposed of on the site. This was classified as liquid hazardous waste, but no charges were laid by the Ministry of the Environment. In March 1976 liquid industrial waste from Eastman Kodak in New York was dumped on the site. No charges were laid. In January 1984 a surprise MOE inspection of all trucks going into the site discovered several hazardous waste loads.

The MOE, while taking action in some areas, lacks the means to enforce all of the conditions on all certificates of approval on all of the sites in Ontario; therefore, we need to emphasize community responsibility and accountability for the amount and type of waste that enters their site. Most of part IV of Bill 143 establishes legislation which enables the government to put in place important new measures for waste reduction, reuse and recycling. The WWLC supports these amendments.

Although we question the current practices and motivation of private companies, we believe private industry can work in a waste management master plan. Indeed, private industry could help fulfil the public mandate if it could meet all of these objectives of the waste management master plan such as increased application of the 3Rs, keeping disposal facilities as close as possible to the source and keeping the size of landfills smaller.

If private industry can work cooperatively to fulfil these strategies and meet the public requirements then it can, of course, be part of the system. If waste management is publicly controlled, private waste companies can be given the opportunity to participate in the public system. The public should have control over waste management the same way that we now control other public utilities such as water and transportation.

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Other concerns of ours: While we support the banning of waste transport from the GTA in part II, we have concerns on part IV, section 29. We propose several recommendations to reconsider this order and thereby protect the rights of the citizens as well as the environment.

The purpose of this order can be understood in light of the fact that when many landfill sites close in the next few years, municipalities must find new disposal facilities. We

all know some transport situations have already occurred around the province, and while we oppose in principle the transporting of waste, we recognize the reality of having to ship some waste for a limited period of time to available sites. We have already seen two examples of such orders in the past year, and in our view they must remain a temporary emergency arrangement and not a precedent for future transport decisions.

One such example was the minister's closing of the Storrington site in 1991 and her order to transport Kingston garbage to Ottawa-Carleton, with Laidlaw hauling waste from its Storrington site to its other site in Carp. It was agreed that Kingston's waste should be transported for two years and Kingston would pay the region of Ottawa-Carleton a royalty for the privilege of waste disposal at the Carp site.

The minister issued another transport order when Bob McCaig's Greenlane landfill site closed in 1991 and Elgin and Middlesex waste was transported to Laidlaw's Warwick site, near where I live, and Browning-Feris Industries' Ridge landfill in Kent county.

In each instance the waste transport complied with the existing certificate of approval for the host site. As well, the transport orders are temporary arrangements while the transporting municipality works seriously on waste reduction and develops a site for waste disposal.

The proposed legislation has no real conditions to limit the transport order. Therefore we recommend the following terms:

1. That the term "emergency" be defined with specific criteria and conditions;
2. That the minister justify the order before an independent hearing board;
3. That the transporting municipality seriously consider alternatives to transport;
4. That the reasons for a transport order be public information from the beginning of the process, in particular all decisions from technical and legal services;
5. That the host municipality and its citizens be consulted and participate in the hearing;
6. That both municipalities and citizen groups have the right to appeal the minister's order before an independent hearing board;
7. That the transport time be reduced from five years to two years maximum to ensure that the transporting municipality moves quickly on waste management responsibility;
8. That the transport order comply with the host site's certificate of approval: waste volume, composition and service area;
9. That the host municipality can negotiate acceptable terms and conditions before accepting the transported waste. An independent board might be the negotiating body for such conditions: (a) that the negotiated compensation must be given to the host community, either in monetary terms or in some environmental service from transporting municipalities; (b) that all legal and technical costs incurred by the host municipality be covered by the transporting municipalities; (c) that the host site, public or private, cannot base any expansion proposal on the increased



volume or service area of waste transported to the site; (d) the emergency transport orders are non-renewable for a transporting municipality;

10. That time lines be drawn for the transporting municipality to complete each stage of the waste plan, particularly waste reduction and diversion;

11. That incentives be given for exceeding those conditions and penalties be applied to the transporting municipality for failure to comply, and

12. That the minister review the order within a designated time limit—either six months or one year—agreed upon by the municipality.

We believe these recommendations should be the minimum basis for any discussion of waste transport and could certainly be developed more between the minister, municipalities and citizen groups.

We oppose transport in part IV, section 29, and hope the conditions we listed can be acted upon.

We advocate public control on all present and future sites, with private industry helping to fulfil the public mandate.

While the WWLC endorses part II of Bill 143, we urge the government to extend it to cover the entire province, not just the GTA.

On behalf of the Warwick Watford Landfill Committee I thank you for your time and interest and especially for the opportunity to make our views known.

**The Vice-Chair:** Thank you very much for another very thoughtful brief and some innovative suggestions.

**Mr McLean:** Those last suggestions just kind of caught me. How many of those do you think will be implemented in the form of amendments to this legislation? What is your hope?

**Mrs Aarts:** I would hope that all of them could be, of course. Actually, that is an interesting question, because when I was thinking my speech was too long I was going through it thinking I could stroke some out. I could not find any that I did not think were serious enough to do.

**Mr McLean:** I am glad you did not because I saw the parliamentary assistant nodding her head yes when you were saying most of them, so I am sure that she will take that into consideration.

A few weeks ago the county of Simcoe made a presentation to the committee and at that time indicated that with this bill the direction could come from the minister or her representative to put garbage anywhere in Ontario. I heard some members indicate that is not true and that is not the way this bill is written. I would like what your interpretation of it is if the ministry does decide to direct garbage other than the GTA. I know that it says it is supposed to be kept within the GTA, but at some future date a regulation could change which would allow garbage to go anywhere in Ontario. Is that your interpretation of it?

**Mrs Aarts:** Do you mean the way the bill is written now?

**Mr McLean:** Yes.

**Mrs Aarts:** I am like Dianne. Last time I had trouble understanding most of it when I read it. If another government comes into place I would hope we would be able to

make our opinions known to it, too, and that it would see that that will not reinforce any of the things we are trying to get across to the people about garbage reduction and so on. I hope we will not have to go back to that.

**Mr McLean:** I am aware of that, but the concern I have is that it can allow garbage to go anywhere in Ontario. That is what disturbs me.

**The Vice-Chair:** Thank you very much, Mr McLean. Mrs Mathysen, have you a question?

**Mrs Mathysen:** Thank you for a very good presentation. As Mr McLean indicated, I am the MPP for Middlesex and I understand that we, as a society, have been very slow to understand the consequences of the waste we generate. I am very grateful that you have brought these suggestions to us.

My question has to do with some of the things that you said about Laidlaw. According to this article from the Edmonton Journal they are still up to their old tricks out in Alberta; they have some anti-competitive behaviour charges against them there. But you said specifically that they were bringing in refrigerators and scrap iron to their site. Do you know what happened with those refrigerators? Did they have a vampire to take out the Freon and make sure that it did not release dangerous chemicals into the atmosphere? Do you have any idea what they did?

**Mrs Aarts:** Yes, I do. Right now there are no precautions taken for that.

**Mrs Mathysen:** So they are just there releasing chemicals?

**Mrs Aarts:** Yes. They come in on trucks and there is nothing done about that.

**The Vice-Chair:** Thank you very much again for a very thoughtful presentation. If you have any additional information, would you please make it available to the committee in writing.

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GRETA THOMPSON

**The Vice-Chair:** At this time I would ask that Greta Thompson come forward, please. As you are aware, you have 20 minutes to make your presentation. We would appreciate a few minutes towards the end for questioning by the members of the committee. Would you please identify yourself or your organization for the benefit of Hansard, please.

**Mrs Thompson:** My name is Greta Thompson. I live surrounded by the Ridge landfill, Browning-Ferris Industries Ltd. I represent no organization, just our family. In answer to the questions you are asking, all the answers are in that rural basket there. There are 22 hours of tape and there are numerous documents which I have prepared or received. Your questions on whether or not residents should have assessment hearings, whether or not municipalities should control the waste; all your answers, different from any that you have heard, are in that bushel basket. The only request I would make is that you review the answers onsite, drinking our water.

I am before you today as a victim of Ontario's dumping. My situation can best be described by a little plagiarized verse:

It's not my place to manage waste;  
The laws I cannot make.  
But when the damages occur,  
It's me who's forced to pay.

Since August 1989 direct and indirect costs to survive a landfill exceed \$100,000. I do not receive tipping fees; I do not receive reimbursement. All across Ontario residents adjacent to garbage dumps are struggling to survive Ontario's dumping, and we are losing the struggle. For the last 25 years of my life—and Doug McTavish and I and some of the ministry representatives and operators have turned grey together—Ontario has been in a civil war. Our family has suffered continual casualties, damages, hardships and costs. These have become so severe they now threaten to destroy us completely. It is a war, this garbage war, of two opposing forces holding two very opposing values. It is the force of big city need and business greed and ethics versus the rural family heritage, values and way of life. It is the strong against the weak. The strong side values the things that dollars can buy. The weak side values the things dollars cannot buy. Through this our province is divided in half.

The strong force: This side started the war by an aggressive invasion. They want to make as much money as possible from Ontario's waste disposal needs and crisis. They have unlimited time, expertise, soldiers, technology, weapons, equipment and money. They are using their unlimited budgets to gain physical and public support—sometimes we refer to that as “willing hosts”—offering dollars for approval to damage and destroy. They refuse to voluntarily limit their aggression if it restricts their advancement. They project a caring operation, justifying the invasion and aggressive acts as a necessary social service: “We need somebody to pick up the garbage for the good of the people.” They present themselves as professionals and undertake public relations campaigns.

On the other side of the war is the weak force. This side entered the war as an act of self-defence. They are defending their rural family, their rightful ownership; they want to enjoy their home and land and all they ask for is a reasonable degree of security. They belong to a faith that teaches them God put man in the Garden of Eden and told him to take care of it. They view the invader scorching up their good earth in one broad sweep as an act against their faith.

Since 1924, past and present generations have spent time and effort incurring personal costs to protect and enhance their rural family, home, land, heritage and our way of life. They have demonstrated a continual commitment to save one special pocket with unique amenities and special features for future generations to enjoy. They have very limited time, no money, no expertise, four untrained soldiers, and no technology. Their only weapons are their minds and their pens. Their only equipment is a spade to plant the Carolinian trees, including Canada's extinct cucumber tree. They dream that these trees will reseed our scorched

earth to help it recover thousands of years from now. They took great pride in the family's past ingenuity, which made them self-sufficient. They are convinced the invaders intentionally destroyed their free-flowing gas well and water well, which was their proudest possession, leaving them now dependent and helpless. They are using their common sense, with their knowledge of right and wrong and justice, as well as the awareness of the need to protect human life and the environment, to gain government support and protection of those things they value most, which money cannot buy. They have demonstrated a willingness to negotiate peaceful coexistence, and that is the answer I am bringing to you today. The garbage inside the rural basket represents that peaceful coexistence.

You must understand, however, the realities of life in a dump. You must know about the victims. I have already provided you with solution number one. I believe committee members have a copy. It is my intention to come before you today with answers. I could not possibly tell you my problems in 20 minutes. I believe this committee is looking at alternatives, so I came to you hoping to give you answers of what we need to do.

The physical, financial, social, emotional and environmental hardships inflicted on the victims of dumps are unbearable, and eventually it destroys them completely. Look at the map attached and you will see all the neighbours who have sold out to landfills. Our rural residents cry, “Not in my backyard,” but sell their land for landfilling. Victim prevention must be your mandate, established priority and goal. You will not solve the waste management crisis without focusing on protecting our rural residents and environment from Ontario's garbage.

Many of the acts in this garbage war are not fair. They are not moral. The war will not end until these acts are stopped.

My review of Bill 143 started with the first paragraph of the compendium of background information for the Waste Management Act, 1991.

Before I read past that first paragraph, I recognized that my government had failed again to draw together the necessary in-house resident expertise required to solve our garbage crisis. The opening paragraph should have read, “The problems surrounding waste management in rural and urban Ontario”—and in the backyard of Keith and Greta Thomspson in particular—“have reached crisis proportions and a state of war and emergency exists.”

On December 27, 1991, the identifiable damages and hardships which we attribute directly to the Ridge landfill operation forced us to abandon our home and rent an apartment. We left behind us four generations of effort, work and time, along with thousands upon thousands of dollars spent to enhance one small pocket for future generations to enjoy.

This bill does not represent a decisive step towards resolving the situation. As a 25-year soldier, I believe this bill will not end our war. It fails to address too many of the reasons we are at war. Some suggestions may escalate it or encourage new, unacceptable acts. There is, however, one very good suggestion in it to help us find the answers to our problems, and this is where we have to start. These



answers can and must be found by the warring parties directly affected, and this part of the bill allows them to do that right now.

My solution 2 is a recommendation that you take the required action to ensure approval and passage of part IV, amendments to the Environmental Protection Act, subsection 23(1), and that it be invoked by the Minister of the Environment to establish a pilot project. This pilot project is to form a new, strong foundation for solving our waste management problems and crisis together.

I support both of my recommended solutions by presenting you with just two of several of the areas of Bill 143 that concern me. These two areas apply to environmental protection and protection of the adjacent residents. I cannot tell you all my concerns resulting from 25 years of experience, but I will try to help you understand some of them to support my recommended solutions.

We will look first at environmental protection. This bill does not place the emphasis on managing Ontario's environment wisely. This must be the mandate for environmental legislation and it must be met with foresight. The first question should not be, is it fair to put GTA garbage in a rural backyard? That should not be our first question, but it seems to be one of the first questions many times.

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Everyone must realize there is a war going on. There are victims and casualties. We are in a crisis. As a victim, my first concern is not who made the bullets being used in the gun that is being fired at me; it is not the name of the soldier on the other side firing the weapons; it is not what party is responsible for allowing it to happen or who should stop it. My concern right now is, how do I stay alive, how do I stop the attack, how do I protect myself?

I urge all committee members to read the article by David Suzuki that I have attached.

To review if Bill 143 meets its mandate in the area of environmental protection, I offer the following sample questions for the committee to use when you are doing your review.

Should garbage dumps be allowed to scorch our good earth in one broad sweep or should we protect some things? If we must have dumps, and I believe we do, what special pockets must be saved? What criteria should be used to determine the pockets to protect? I have ample suggestions in the basket for you.

With today's best technology and best expertise, where is the safest place to dump and what is the safest way to get it there? How do we keep it safe? How do we solve new problems and implement improved technology? Is it safe to accept increased volumes just because it is legal to do so, because the dump is licensed to do so? For your answers to that question, take a good look at Keith and me and what has happened to us.

How do we ensure that operators voluntarily abide by all the safety regulations at all times? How do we prevent monopolies from escalating our waste disposal costs? How do we keep our rural communities protected from the organized crime element now reported to have a stranglehold on the American garbage disposal system?

What emergency plan should be put into place for the backup when the safety valves fail? When the safety valve failed and affected our home, we found out then that there were no emergency plans in effect to protect us.

The second area of the bill I would like you to address is protection of the adjacent residents. This bill does not protect the adjacent residents from becoming the victims and fails to establish their rights.

The Nippan family took court action for injunctive relief and damages arising from the operation of the landfill site. I have the court ruling in the basket; you are welcome to review it. The resident was awarded damages and the site was closed. The garbage from this site was redirected to Ridge landfill, in spite of our family's plight. It is not the first landfill that has closed and the garbage redirected and dumped in our backyard. Do we now have to go to court to be protected? Where will the garbage go then? If you approve this bill, and the courts overrule you, you will have an even greater crisis.

The implications of a "class action for injunctive relief arising out of Ontario's landfill operations" by environmental networks and citizens' coalitions united should reveal the need to establish residents' rights. We are uniting. The Supreme Court has also recognized the need for environmental protection in a recent Alberta decision.

To review if Bill 143 protects the adjacent residents and recognizes their rights, I offer the following questions.

What are the proven damages and hardships caused by waste disposal operations? How do you prove them? How do you determine the degree of effect? We are all affected differently, depending on the distance we are from the site. Are you legally, morally and fairly allowed to invade a community and damage the adjacent residents? How do you prevent, stop or offset them?

How do we stop this big-dollar movement to profit from Ontario's crisis and needs? That can be in the form of tipping fees, compensation packages, local improvements. It is a big-dollar movement to profit from need, including in our area speculative purchases made by parties buying properties beside or near an existing waste disposal operation.

If coexistence is not possible, should our government help the invaders or the defenders to remain and survive?

I have identified other concerns with Bill 143 relating to expropriation, site inspections, compensation, the assessment process, certificates of approval and lack of enforcement, anticipated volumes, automatic expansions, lifts and increased volumes, merely through experience and then reading the bill.

Although we have concerns regarding some sections of Bill 143, our family cannot wait another day for our elected representatives to get it together. We have a crisis in our backyard. We are not in our home. Set the politics aside and deal with our immediate emergency right now. We have gone through the Davis years and the Peterson years and are in the Rae years. Since the Conservatives, Liberals and NDPers collectively have failed to agree on the action required, I am taking my time to offer my recommended solutions for consideration. We cannot accept any more excuses. We need help now. We have too many problems and too few dreams for solutions.

My recommended solution to you is set out on page 10, that part IV, amendments to the Environmental Protection Act, subsection 23(1), as set out in Bill 143, be approved and passed and that it be invoked to establish a pilot project. We are offering our property to do that pilot project, administered by a panel of experienced, in-house resident expertise, as presented to you in recommended solution 1. The purpose of this pilot project is to:

(a) Identify all hardships and damages suffered by adjacent residents of waste disposal operations—landfilling, recycling, and yes, incineration—and establish the criteria to determine the degree of effect. I have suggestions for you if you want to meet with me afterwards.

(b) Undertake the required study to determine whether peaceful coexistence is possible, with the intent and focus of this pilot project to centre on meeting Ontario's waste management disposal needs and protecting and enhancing the rural family's land, home, heritage, environment and way of life—after 25 years and all the money we have spent, we still do not know if it is possible to survive a landfill—and to ensure that some small pockets with unique amenities and special features are saved for future generations.

(c) Prepare reports and recommendations for information, consideration, approval and/or implementation by the Minister of the Environment relative to the aforesaid.

Since we need dreamers as well as doers, I end my presentation with a simple little verse of a dreamer. It is the dream of our family to survive the hardships and damages of a waste disposal facility in our backyard. It is the dream of a 25-year, very tired soldier who has come to accept that peaceful coexistence is the only acceptable compromise. Some things, such as faith, ideals, enjoyment of one's privately owned property with a reasonable degree of security, and a need for waste disposal facilities, are not negotiable. We refer to our dream as our shiny star. Our dream, our shiny star, is peaceful coexistence.

1520

Our pilot's a sharing adventure,  
A journey to carry us far,  
On a path to a new age ne'er travelled,  
Together to that shiny star.

I hold no regrets for failed efforts,  
I'm sorry to learn that some do,  
And it seems we've lost trust in each other,  
With loss borne by me but not you.

This lost trust is killing our dreamers,  
And lost are those new shiny dreams,  
And you cannot replace with this hearing,  
No matter how good you may deem.

But deep in this bill there's a pathway,  
As dreamers like me clearly see,  
To a bright, new and shiny beginning,  
If all just put "we" before "me."

I ask for your help for our pilot,  
If only to save one small spot,  
For our children to come in the future,  
To see how we cared and we thought.

Come, board Ontario's "Discovery,"  
In this, our 125th year,  
Pioneers blazing trails for the future,  
Together, right now and right here.

I thank the committee for its time and volunteer my assistance.

**The Vice-Chair:** Thank you very much for a very eloquent and very emotional presentation. Unfortunately, all our time has been spent, but I think I can say on behalf of members of the committee from all three parties that your recommendations will be given serious consideration. I think that shows the value of public hearings like this, because without them we would not have been able to hear your concerns and take them into our deliberations. So thank you very much and I think all members will seriously consider your recommendations.

**Mrs Thompson:** Thank you, sir.

#### COMMUNITY OPPOSING LANDFILL DEVELOPMENT

**The Vice-Chair:** I now call upon the Community Opposing Landfill Development. Would you identify yourself for the purposes of Hansard, please.

**Mr Maris:** My name is David Maris, and I am pleased to meet everybody.

**The Vice-Chair:** You have 20 minutes to make your presentation and we would appreciate some time towards the end to have questions from the committee.

**Mr Maris:** On behalf of COLD, Community Opposing Landfill Development, and the CAW Local 127, Chatham and District Labour Council, I wish to thank the committee for this opportunity to speak to Bill 143. This is a right that every citizen of Ontario must be ensured, the right to be heard and the right to be included in any decisions, present and future, with respect to waste management concerns in Ontario and, in particular, waste management concerns that involve our communities, our rural heritage and our integrity.

We support responsible waste management practices: practices that ensure viability for our communities, practices that ensure sustainability for our communities and practices that ensure that we pass on to our future generations lands and water systems that contain no injustices, while allowing them to build for our future society.

We support the intent of Bill 143, the goals of waste reduction for Ontario, the efforts to end transportation from municipalities and regions to others less fortunate, left to the mercy of unscrupulous private companies, and the need to develop responsible alternatives for the reprocessing of waste into resources.

While we support the intent of Bill 143, we still have concerns about certain parts of it. Our problems with it also take in the fact that some clarification should be made to other parts. Any criticisms should be taken as constructive efforts by our groups to ensure responsibility and the right of each citizen to be heard and the right to justice for individuals and communities.

I will begin by speaking about Fletcher. Our community group is one that has formed to fight the injustice of a



dump threatening to reopen in the midst of our community, a dump that was opened improperly during the 1970s and closed later that decade. In our fight we have the support of the rural residents, Tilbury East township, CAW 127, Chatham and District Labour Council, the county of Kent, local business, RAGE and the moral support of countless others. We unfortunately do not have the support of a failing bureaucracy in Toronto that citizens in this province must rely on to make decisions, be they right or wrong.

If you were to understand our fight you would realize why I feel strongly that all have a right to be heard and all must be involved in the decision-making process. This issue illustrates that an injustice can be rendered to an individual and a community in Ontario, and it is a sad commentary on our society if it would allow even one to fall helplessly into the abyss of poor legislation. We have such a bureaucracy and we have the community of Fletcher, which fell into a loophole in present legislation. Where are those who maintain they will protect our rights?

In Fletcher we have a dump proponent, a private owner who lives in a county closer to the GTA, rumoured to be fronting for one of the larger private waste concerns, Laidlaw or BFI Waste Management Inc, a proponent who lives with greed as a guide, not out of any concern for the betterment of our society. This proponent, in my opinion, is driven by the headlines of a waste crisis in Ontario, by profit margins of private waste companies ready to exploit the people of Ontario.

When this site operated in the 1970s he violated his certificate of approval from the very first day, through violations such as the type of waste to be received, the municipality from which the waste was to be taken, the very location where the waste was to be deposited. These violations were and are recorded by the Ministry of the Environment and have never been dealt with properly. All this and more at a site that the people never knew was going to open until the very first day of operation when trucks rolled in to unload industrial waste.

This private operator reaped profits from society, never benefiting it, only violating our community from the outside, a community whose history can show only a benefit to our society. This same proponent operates with the aid of a bureaucracy that maintains that Fletcher, as in the 1970s, does not have a right to be heard properly, does not have a right to be involved in the decision-making process.

In my opinion, since Kent county has passed a resolution never to use this dump for a waste disposal site, this proponent or others that he may be fronting for see this site as a repository for transported waste. What is the system that would render such an injustice on the community of Fletcher? Who are such people who have failed Fletcher?

Part II, waste disposal sites: The Ministry of the Environment has made a policy decision that the search for long-term landfill sites should be made within the respective municipalities of the GTA, in effect making those municipalities more responsible for waste generated within the GTA.

We approve of such a decision. This is a position we have maintained, that each municipality must be responsi-

ble for its waste generation to be handled properly, employing responsible waste reduction and diversion projects.

We approve of the full environmental assessment process that allows the right to be heard properly. We approve that, during that process, discussion of alternatives will be restricted to waste reduction, reuse and recycling.

Transportation: We cannot believe transportation is an alternative, an alternative that would waste valuable resources to bus garbage instead of applying real alternatives. Our air, land and water resources are also valuable to Ontario, as is any land, water and air within the GTA. This fact must be recognized by all in the urban regions of Ontario because we too contribute to the social, cultural and economic fabric of Ontario. Our region has contributed valuable resources that were used to build Ontario, some of which sadly were never replaced. These range widely, including lumber, natural gas, rich agricultural diversity and people.

We will not allow our community to die, destroyed by the greed of others, the wastes of distant urban centres.

### 1530

Transportation of waste only allows our society to be irresponsible in its practices when we should be treating this wide range of material as a secondary resource to allow remanufacturing processes that are a future growth industry, a future resource for employment. To me, it is ironic that this same irresponsibility, this foolishness runs contrary to principles we embrace as Canadians.

It is true that rural people will lose their sense of responsibility towards proper waste alternatives if garbage is dumped in their midst from distant urban centres. In Tilbury East township a recycling depot has been established that could be put forth as a model for others to strive for. This depot that residents must drive some distance to utilize has enjoyed overwhelming support and pride from these same residents. The grass-roots support from rural people is tremendous. At this facility residents can deposit newspapers, box board, cans, white goods, hazardous waste, fine paper, computer paper, glass, metals, cardboard, all plastics, used oil and tires.

Rural residents generally compost as they have for years on their own properties, adding to the organic soil content. As I have said, this is tremendous but I am most disheartened because too many residents have approached me lately to state flatly, "Why the hell should I recycle when the Ministry of the Environment is doing this to us?" I do my best to dissuade these people from any other course than that which we are already now on.

Incineration: I also applaud the Ministry of the Environment's policy with respect to incineration. This is certainly an alternative that does not encourage responsible and productive management of resources available in waste. Incinerators would only require a society to promote waste generation, not waste reduction.

You have heard from my county of Kent and one township, Harwich, this morning and their interest in incineration as an alternative. Let me tell you, this too is a concern of the people of Kent, who have opposed incinerator proposals numerous times. We do not want incineration. I am very sceptical towards any township that accepts revenue

from tipping fees and would entertain incineration as an alternative, especially when they long ago stopped fighting for residents' rights with respect to waste management.

Going by the Ministry of the Environment's estimates, 3,000 tonnes of waste end up as 1,000 tonnes of ash plus 100 tonnes of hazardous fly ash. I cannot see this as a long-term benefit to Ontario; landfills would still fill up, only a little slower, but we would be required to establish disposal facilities for hazardous fly ash, a foolish waste of capital resources that would serve Ontario better in developing waste reduction and diversion projects.

Another grave concern from incineration is that of stack emissions. We do not need the benefit of another source of air pollution near us or at a distance. I do not want to discuss anyone's state-of-the-art technology that would absolve us from mercury, dioxin, chlorinated hydrocarbons, heavy metals, fine particulates etc. I am only interested in state-of-the-present examples that I have to rely on when incineration is discussed.

One day last spring, I received a phone call from a local farmer who stated that six hours earlier, as he drove from Tilbury past Chatham, he witnessed a huge jet stream of a yellowish haze in the sky. He did not know what to do about it but realized that I was concerned about such problems. Could I find out what it was? I went not a couple of miles and sure enough this haze was still there but somewhat dissipated. I had no answers so I called the Ministry of the Environment, Windsor branch, and asked if it could investigate. They did and two days later they had the answer: that on the day in question a warm front was meeting a cold front, and air conditions served to roll the pollution from the Detroit incinerator into an incredible stream that travelled for 60-plus miles well past our region.

Air pollution problems in my area were also driven home within the last three weeks when I found out that in Merlin, a farming community five miles from where I live, at a testing station for the air resources branch of the Ministry of the Environment, levels determined with upper limits of 82 parts per billion registered readings of 362 parts per billion from May to September 1988, and 158 parts per billion in 1991. It seems that our farming community not only records pollution from Detroit, Sarnia, Windsor and London but also from across Lake Erie from industrial areas in the US. We registered the highest levels in southern Ontario.

Part III, implementation: We have concerns that relate to the right to be heard and to participate in the decision-making process. As members of RAGE, we too take the position that the minister should implement broad public consultation with adequate time for members of the public to review technical reports and also reports to possibly use Keele and Britannia for the interim period. We cannot endorse elimination of public consultation but hope to see an accelerated process with proper resources available to those affected. All steps must be taken to ensure the rights of citizens within the GTA who would live near the required sites.

Part IV amendments: We encourage any regulations that improve efforts in Ontario towards waste reduction and diversion. It is hoped that this part of Bill 143 will

allow municipalities and industry to accelerate programs to achieve benefits for the people of Ontario. We cannot agree, in light of the abuses in Fletcher, with section 26, subsection 29(1), as we read this. We cannot agree with that for the transportation of waste, be it in the hands of the director or in the hands of the minister, who would be more accountable to the public.

In closing, I thank you for the opportunity to participate in this process and I hope that together Ontario will rely on diversion and reduction when dealing with waste management concerns.

**The Vice-Chair:** Thank you very much for another thoughtful brief. There are three minutes left, so a minute per caucus.

**Mrs Mathyssen:** Thank you, Mr Maris. I was quite interested in your description of the Fletcher dump site. Could you explain to the committee what you meant by it being improperly opened and what was going into the site and when and why it was closed?

**Mr Maris:** As we the citizens' group sees it, there were several abuses, as I said; the first one when the proponent applied for the certificate of approval back in 1972. He started depositing waste in a different location, closer and within the community of Fletcher. That was one of the first violations he did undertake.

**Mr McLean:** Has the incinerator in Detroit had an effect on the farming community? Have there been some statistics gathered to determine whether in the area it has affected the crops?

**Mr Maris:** There have been statistics. As for statistics towards crops, I cannot tell you those statistics, if there have been any. All I can tell you is that it is hard to relate air pollution statistics and people. How do you prove such damages from air pollution?

**Mr McLean:** Being a farmer I am concerned about it.

**Mr Maris:** So am I. It has been within the last three weeks that I have found out these statistics and I have not had time to pursue this properly.

**The Vice-Chair:** Thank you very much for a thoughtful presentation. If you have any additional information, you can put it in writing to the committee.

1540

#### TURNING 2000

**The Vice-Chair:** I would ask Turning 2000 to come forward, please. As with all the others, you have 20 minutes to make your presentation. We would appreciate a little bit of time at the end for questioning. Would you identify yourself for the purposes of Hansard, please.

**Ms Whelan:** My name is Paula Whelan. I am here today as a representative of Turning 2000 to discuss the waste reduction issues as they pertain to this area. Turning 2000 is a local group whose mandate is public education on household waste management; that is, we provide information to enable individuals to reduce their impact on the environment. This group was formed three years ago and since then has taken part in many activities. Most of these have been mall displays for Recycling Week, Environment



Week and Earth Day. We have focused on household waste issues such as blue box recycling, disposable diapers and hazardous waste. We have also hosted a composting clinic and a scavenger hunt. The scavenger hunt was a hunt for garbage items in the park. The main purpose of this hunt was to highlight the problem of litter. Turning 2000 also shares information on a more individual level by providing a speaker to small groups.

There have been some waste reduction efforts in Sarnia, some more successful than others. I will discuss these in what I feel is a decreasing order of success.

First, there was a Christmas tree chipping program this past Christmas. A person bringing a tree could take back his chips for his own use or receive a voucher for a tree seedling from a local nursery. This program was well attended and more trees than expected were collected.

Second, the city has been very active in educating the public about composting and encouraging people to take part. City hall has made a variety of composters available at a subsidized price. One councillor has made himself knowledgeable about composting and, with the help of the waste reduction committee, has been active in promoting composting and vermiculture. Vermiculture is composting with worms and is suitable for indoor use. This is convenient for apartment dwellers and others lacking the ability to compost outside. The city also picks up leaves in the fall and composts them. The leaves must be placed in special plastic bags, which is not ideal, but the plastic bags are recycled afterwards. The city is able to use this compost and make some available to individual citizens.

Third, Sarnia has a blue box recycling program that has been the subject of some controversy, but the system is in place and collects glass, cans, plastic bottles and newspapers. I would like to see the system expanded to include other types of plastic and paper. There should also be a means for individuals to recycle corrugated and boxboard containers. More public education is necessary on what to put in the blue box and how to prepare the materials; that is, wash, flatten, bundle etc.

Fourth, household hazardous waste collection in Sarnia is negligible. One morning, once a year for the past six years has been set aside for cars to line up for the chance to safely get rid of hazardous waste—and I do mean “line up.” I worked at the collection the year before last and some people told me that they had been waiting in line for three hours. During this wait cars are idling and spewing out noxious chemicals into the atmosphere. This is hardly an appropriate tradeoff for the chance to dispose of the household chemicals.

Each year has seen an increase in the number of cars and the amount of hazardous waste collected. A more frequent and a more appropriate collection system is necessary to accommodate the people who are already concerned with this issue. Then, when this system is in place, the remaining public needs to be educated about what is hazardous, why it is, how to reduce the reliance on hazardous products, and how and where to properly dispose of hazardous remains.

I understand there was an article recently in the local paper about a household hazardous waste depot collection

system. Two depots would be located in Lambton county and would be open one day a month for people to drop off their material. I am not aware of when these depots are to be operational.

Fifth and last, disposable diapers are a menace to society. They use valuable resources, are treated with chlorine bleach in processing, contribute to our landfill problems, can become a source of litter and contribute to our throw-away mentality. I think they should be outlawed. Since this is not likely to happen, at least not in the near future, efforts should be made to minimize their use, limit their impact on the environment and ensure that alternatives are readily available. This last issue is particularly lacking in Sarnia. Our only diaper service recently went out of business because of the lack of customers. This means that anyone wanting to use cloth diapers must be prepared to launder them at home.

Disposable diapers were one of the first concerns addressed by Turning 2000. We had information campaigns and circulated a petition requesting county hospitals to switch to cloth diapers for babies and to promote cloth to new mothers. None of the hospitals expressed interest, nor were they interested in the diaper service when it offered them a discount if they would use the service. If even one of the hospitals had availed itself of this offer, I believe the service would still be in business.

Before I conclude, I would like to address the proposed bill on waste reduction. There is no mention of proper disposal of household hazardous waste. Most people in Ontario are not aware of the quantity of hazardous materials that are introduced to our environment through improper disposal by individuals, not by industry, into landfill and the sewer system, nor are they aware of what constitutes a hazardous substance and how it affects our long-term health. There should be a target date for all communities to have a collection system for household waste and penalties for individuals who continue to poison our environment when improperly disposing of hazardous chemicals.

In conclusion, I repeat that Sarnia is making an attempt at waste reduction, but much remains to be done. Whatever is done now and in the future, a massive education program is required: education as to what the problem is and what each individual can do to be part of the solution. I would hope that this education would not rely solely or even primarily on the written word. In today's society there are too many people who cannot be reached in this manner. I feel that every person should be given the opportunity to be part of the solution.

Thank you for a chance to air my views.

**Mrs Mathysen:** I want to thank you for your presentation and commend you on your efforts to educate. I think that is probably where we are going to make the most progress.

We have been travelling all week and we have heard from various communities. In one community there was a suggestion that a hazardous waste depot be established in the community and be open at all hours and that people will respond to that. Also, the community of Halton, I believe, has a permanent community depot that sort of

expanded into a repair shop for various articles that might originally have been simply thrown away, and I guess a flea market and an exchange and composting area. Have you given any thought to something like that to meet the needs in your community?

**Ms Whelan:** Have I given thought to that? Yes, all of those are necessary, particularly the repair station. As society has gone towards being more throwaway, used appliances tend to get thrown out, sometimes not even when they are broken.

**Mr Ramsay:** I share your concern about disposable diapers, and I suppose even this government is finding it difficult to cope with those since they are such a popular consumer item. It was interesting to note the grant the Ministry of the Environment had given a Mississauga company a few weeks back to do further work on the recycling of it. I am not sure that is the answer, because you would have at this time one factory, if you will, one site in Mississauga, yet we have this product right around the province.

Do you have any ideas on how we maybe could educate people to the danger of using disposable diapers because of the sanitary aspect of it, their going into our landfills without any sort of sewage treatment, and of course on the resource side for recycling? How do you think we should approach that to try to educate people to try to reduce the consumption of disposable diapers?

**Ms Whelan:** I wish I knew. When we had our campaign, we focused only secondarily on the health issues, both for the baby as well as the workers who are carting off the waste. We focused primarily on the cost aspect and showed that it costs significantly less to use cloth diapers in the long term. So much so that, in fact, if you use cloth diapers over the course of the toilet training period, you could save enough money to buy a washer and dryer. If that could not convince people to change, I do not know what would.

**Mr Ramsay:** I remember that when we had our first child I was under the gun that I had to have the washer and dryer set up before my wife came back from the hospital, because of course we were using cloth diapers and that was certainly my task. As my colleague Carmen McClelland reminded me, after all that is over, they make very good cloths for washing cars etc, because they are very soft cotton material, so there are excellent ways of recycling cloth diapers after that period once family time has passed. I think they are excellent and I hope we can get people back to using them.

Unfortunately, the onset of the disposable diaper killed all the services that people in towns had used. We did our own. I know people in this fast, modern age find it an inconvenience, but I think if we had an educative program out there, people would understand maybe how well they could contribute to the betterment of our environment if we did go back to the material diaper.

**Ms Whelan:** When disposable diapers first came out, and probably still, there was a notice on the package that the diapers were to be rinsed out before they were thrown away. This is a legal requirement because human waste is

not allowed to go in the landfill, but of course people do not do that. If they did rinse out their diapers, then the difference between using cloth and disposable would be negligible.

1550

**Ms Haeck:** Thank you, Ms Whelan, for coming here and giving us an excellent presentation. I want to follow up on the diaper question because we have had two somewhat opposing views, one from a long-term care association representing nursing home operators and regional homes for the aged, and then on the other hand a firm that in fact is a diaper service.

**Mr Wiseman:** Jolly Bottoms.

**Ms Haeck:** Yes, Jolly Bottoms. On the one hand, the long-term care facilities say they really cannot get into things like reusable diapers or they cannot make use of large-sized packages—they have to stay with the individual packages because of the threat of infection—and yet the people from Jolly Bottoms say they know of hospitals making use of them without a problem with regard to infection.

**Ms Whelan:** Are you talking about adult diapers?

**Ms Haeck:** Yes, especially in the long-term care facility. We are talking about seniors primarily. I was wondering if in your research you have been able to discover what might be the solution to this battle of the experts.

**Ms Whelan:** So your question deals with—

**Ms Haeck:** Infection.

**Ms Whelan:** —laundering the diapers.

**Ms Haeck:** Yes, laundering of diapers and dealing with infection and how one can satisfy possibly a health care facility's demands with regard to using cloth diapers.

**Ms Whelan:** As I mentioned before, the requirement is actually to rinse out disposable diapers and, in doing that, the care giver is subject to infection from the waste. But in laundering, that is one of the big concerns, purifying the diapers enough to use them again without harm. No, I do not know of any solution for that.

**Ms Haeck:** Okay. Thank you very much.

**Mr Wiseman:** I want just to add that Jolly Bottoms also gave us a description of some of the side-effects of using diapers, and—

**Ms Whelan:** Of using disposable diapers?

**Mr Wiseman:** Disposable diapers, yes. They indicated that in a study done by Pampers, the body temperature of the baby inside a disposable diaper is about five to seven degrees higher than it is with cloth diapers, which leads to infections and fissures and all sorts of different problems that the baby would have.

We have had three children and I can tell you that we used cloth diapers with a great deal of success, and there were no diaper rashes. It strikes me as a little odd when people complain that they cannot clean them, because if they cannot clean seniors' diapers, then you should not be able to clean babies' diapers, but it does seem to be the fact that they work better and there are fewer infections and fewer diaper rashes with cloth.



I think people are catching on, because more and more are going back, and there is a new style of diapers, the indisposables, that are sewn so they fit and they have Velcro tabs. They make it very easy for people to use diapers. I think they just have to be educated back to the fact that they exist. I commend you and hope you will continue to flog the indisposable diaper.

**Ms Whelan:** Thank you.

**The Vice-Chair:** Thank you, Ms Whelan. Do you have some concluding comments?

**Ms Whelan:** I have just one more comment about diapers. When we talk about laundering them and then having a subsequent problem with the next usage, a lot of times that has to do with the cleaning materials we are using.

**The Vice-Chair:** Thank you very much. I do not know how this changed over to a diaper session, but—  
Interjections.

**The Vice-Chair:** I think it brings back fond memories to all of us, especially the Chair, who had five kids that he had to help clean. I must admit that towards the end we did also use the disposable ones, especially when we were travelling. So there is a mea culpa.

#### TOWNSHIP OF PLYMPTON

**The Vice-Chair:** Now I would like to ask the township of Plympton to come forward, please. As I have mentioned to all the others, you have 20 minutes to make your presentation. We would appreciate it if, for the purposes of Hansard, you would identify all the people who have come forward and if you would leave a few moments of time for questioning by the committee. But the time is yours. Go ahead.

**Mrs Tenhoeve:** Please excuse me. I am getting over a cold and periodically my voice goes. Mr Chair, honourable members, my name is Elizabeth Tenhoeve. I am the mayor of Plympton township. I have two councillors here with me today, Roland Phibbs and Gary DeBoer.

I wish to thank you for providing this opportunity to address your committee. We are pleased that Bill 143 was not rushed through at a time when most local politicians were involved in municipal elections. We feel that there is a need for both public comment and input in the legislative process.

For many years now, Plympton township has wrestled with environmental issues, quite possibly more than most other communities of our size in Ontario. Plympton is the first municipality east of the industrial chemical valley and the city of Sarnia. Many American travellers receive their first impression of rural Ontario upon entering our township. Our many miles of sandy beaches along Lake Huron are well known. The farming community of our municipality is among the provincial leaders for production of crops and livestock.

All of these factors that we proudly display challenge us to be protective of our environment. To this end, Plympton council has led the way in providing quality water to our township by participating in the East Lambton water supply system, and Plympton residents are presently diverting an average of 20% by weight of our wastes from

landfill by utilizing the blue box program. Add to this the amount diverted through home composters and other reduction measures, and we probably exceed the ministry's waste reduction objectives. Presently, we are engineering an extensive sewage treatment facility in an effort to do our share in protecting the Great Lakes from pollution.

In relation to Bill 143, our township council agrees that waste should be disposed of within the border of its source community. There is no incentive to reduce or reuse in an out-of-sight, out-of-mind mentality. It is only when you see the effect of the problem that you will have the will to solve the problem. Responsibility is the key issue.

On April 2, 1991, the Honourable Ruth Grier, Minister of the Environment, supported this philosophy when she announced that the search for long-term waste disposal sites for the GTA would not be outside the GTA and, further, that facilities for the disposal of residual wastes should be located as close as possible to the source of generation.

We are very concerned that in part IV of Bill 143, dealing with the amendments to the Environmental Protection Act, namely, section 26 dealing with section 29 of the act, our protection is gone.

Clarification is needed in part III, subsection 17(4). It would appear that rural Ontario could be forced to accept unwanted waste. We feel that in keeping with the minister's own policy this must be removed.

Both levels of our municipal government have gone on record against the importing of garbage within our borders. Metropolitan Toronto and Lambton county have both rejected sites in Plympton after intensive study. We have never been a willing host and are not prepared to accept anyone overturning our decision. Although we have the assurance of the Minister of the Environment that we no longer face the threat of GTA garbage, it would appear that the mechanism is in place for us to be targeted in 20 years' time. Governments and ministers change, but the legislation goes on and on.

#### 1600

With respect to part III, subsection 17(4), does the word "it" refer to the waste-generating municipality or to the site being owned, operated or controlled by the municipality receiving the waste? We would appreciate some clarification of this part. We request that the minister rewrite this section by adding the words "in the GTA only." To leave this section as it now stands, the interpretation could leave any and all municipalities open to the importation of waste and runs counter to the minister's statement of January 20, 1992.

The Minister of the Environment is still committed to the 3Rs, and the amendments to the Environmental Protection Act proposed by the bill enable her to demonstrate or experiment with programs involving reduction, recycling and reuse. The minister would also show leadership in researching packaging and containers. There seems to be provision in place for freer inspection throughout the industry, and we commend her on these policies.

In many areas, this bill gives the ministry the powers needed to ensure that Ontario has a safe environment. For once, the public will be informed of the true costs of this

industry if the records of all the facilities are allowed to be supervised.

The minister has been wise in expediting site extension in the GTA. We in Lambton county are proceeding to do the same thing with the Sarnia interim expansion. We support your move to expand existing sites through the EPA for interim capacity. No new dumps will be established, but all of Ontario buys time to responsibly address the problems of waste management.

In conclusion, we would like to make some suggestions to this committee, the first being to encourage the producer of waste to also be responsible for the disposal of waste. This would encourage more companies to follow the example of Bell Canada and Quaker Oats, which have set standards to which all corporations should strive.

Second, transporting waste to distant municipalities would cause anyone to forget that there ever was a problem and render the principles of reduction, recycle and reuse to be hollow slogans. Transportation of waste would be costly and difficult to police.

Third, in the spirit of fair government and partnership between various levels of government, rural Ontario should be allowed to retain rights over zoning, drainage and land use. To allow any ministry of the provincial government to overrule would weaken the foundations that local government was built upon.

We thank you for coming to our community and allowing us to express our concerns. We trust that you will consider our comments and make the proper amendments to Bill 143 so that our environment is protected for future generations and that local government is supported.

**The Vice-Chair:** Thank you very much, your worship. Before I turn to questions, the parliamentary assistant has asked for a point of clarification. Mr O'Connor, if you would proceed, please.

**Mr O'Connor:** I want to thank you, your worship, for coming before us today. You raised a point on the second page of your brief about part III, subsection 17(4). If I could ask Leo FitzPatrick to come forward to a mike and provide that clarification, maybe he can explain some of that wording.

**Mr FitzPatrick:** You should have no concern about the meaning of that little word "it" in subsection 4. Subsection 4 is talking about municipalities that have to comply with requirements that are in section 17, and the only municipalities that are required to do something are Durham, Peel and Metropolitan Toronto, specifically mentioned in the first three subsections.

**The Vice-Chair:** Mr McClelland, you are first for questioning.

**Mr McClelland:** Thank you, mayor, for being here. I want to just clarify, and I do not want to put words in your mouth. For reference, on the last page of your brief you indicate that rural Ontario should be allowed to maintain your rights over zoning etc. I hope that you would feel equally that all municipalities and all upper-tier governments should retain those rights as well.

As you say "Government and ministers change, but legislation goes on and on," I do want to indicate that

ministers change their minds too, and with that I think there is potential problem certainly.

Just continuing within your brief, to clarify again, the existing site expansion through EPA in one site is a "maybe" and in another site in the greater Toronto area is a "no." There is no EPA hearing. So I think that is indicative of the problem. The problem is that ministers do change their minds as well, because we know very clearly that the current minister said that there would be no expansion without full environmental assessments, then said, "Maybe EPAs, if time allows," and in one case said, "There won't be any, period."

I hope the point you raised is taken to heart: that assurances of ministers at the end of the day are not sufficient and that the rights of individuals and the rights of local governments ought to be protected in law. I think we ought to be very careful about a piece of legislation that in many respects removes local autonomy and the legislative framework within which local governments function. I thank you for that.

I also want to just draw your attention to something we heard yesterday in Kingston. Representatives of Ottawa-Carleton said they realize that certain parts of this act apply just to Toronto, but they are also intelligent enough to realize that some day it will apply to Ottawa as well. I think it therefore follows to all of Ontario. In that vein, I think you are absolutely correct that we cannot take Bill 143 lightly in terms of the assurances that are given. The rights and protections of individuals have to be embodied in the law.

**The Vice-Chair:** Do you wish to respond?

**Mrs Tenhoeve:** I thank you for your comments. I guess you might feel that I am a bit naïve. I have spoken with the minister and I feel she is a woman of her word, as I hope my constituents feel I am a woman of my word. She did assure us that we would not be targeted. It is not that I do not trust the minister. It is just that with this legislation that mechanism appears to be there, but when she is not there any longer, we could have a problem. We feel we have made the decision. We do not want this. We have said so on numerous occasions and we really object to someone trying, possibly in the future, to force something on us that we clearly are not willing to accept.

**Mr McClelland:** I agree with your interpretation. I might also add that a lot of people in and around Toronto believe the minister's word as well.

**Mr B. Murdoch:** Thank you for your brief and also the way that Plympton council is handling its garbage. It looks like you are doing your share and trying to help. When you mentioned, though, that it should stay within the community, do you support county-wide waste management or just—

**Mrs Tenhoeve:** Yes. By "the community" I mean the county or the region or the community can be doing things. But to us, Lambton county is prepared to deal with Lambton's garbage within our own borders, and we would expect everyone else to do the same. In that vein, if everyone did that, there would be no problem of exporting of any garbage, because we are perfectly willing to look after



our own. If everyone did the same thing, there would not be a problem.

**Mr B. Murdoch:** Okay. It is just that I wanted that clarification. That is all I have.

**Mrs Mathyssen:** Thank you very much for your presentation. In the course of these hearings, we have heard a great deal about what Plympton has experienced, shall we say, in the last little while. I want to focus on something you said about waste reduction. We heard from Quaker Oats yesterday. It indicated that not only did it significantly reduce the amount of waste that it produced but also saved \$1.2 million in the process.

We have also heard from others in the industrial sector, and they are saying: "We don't want regulations. We want to do this voluntarily." I am wondering, how do you feel on this subject? Do you think that industry should be allowed to be self-regulating and voluntarily reduce, or do you prefer to see some firm regulations and legislation in this regard?

**Mrs Tenhoeve:** I guess I would prefer to have people do it on their own. I would like to see the will come from within. But failing to do that, I feel there should be some legislation so that if they are not about to take the responsibility, someone will ensure they do.

1610

**Mrs Mathyssen:** Gentle encouragement.

**Mrs Tenhoeve:** That is right.

**The Vice-Chair:** Thank you very much. Mr McClelland, you have one minute for an additional—

**Mr McClelland:** The point I was trying to make—and this is not a personal dig at anybody—is simply to say that a lot of people who who surround Keele Valley and Britannia landfill sites are really concerned because they too depended on assurances given. It is necessary to reinforce the point: the danger of removing the provisions of the Environmental Protection Act, the Environmental Assessment Act, the Municipal Act, the Ontario Municipal Board Act and the Planning Act.

Furthermore, as I said earlier this morning, the legislation goes on to say that by regulation any other impediment—not protection, which I find very strange—any other impediment that stands in the way of putting in place the minister's policies will be vitiated by Bill 143. That is the point I was trying to make. Assurances are not always sufficient to—

**The Vice-Chair:** Mr McClelland, your time is up. Mr Wiseman, you can break into Mr McClelland's dialogue—for a minute.

**Mr Wiseman:** Yes, just for a minute. This has been going on for a long time: Mr McClelland makes his comments and then I tell about the reality.

The reality, as it was brought home to my constituents in Pickering in the P1 site, was that the Premier and a couple of chairmen of the local regional municipalities of Toronto and Durham got together, sat down and said, "We're going to put a landfill site in north Pickering." Lo and behold, the process began, and it was going to be done under the Environmental Protection Act, not under the Envi-

ronmental Assessment Act, so everything was scoped. There was no comparison and there was absolutely no possibility that if the Environmental Protection Act hearings said it was hydrogeologically difficult, it would still go in. We know there are powers to be as arbitrary as anybody wants to be within the framework, so all we ever rely on is time and the crisis in the emergency of the situation and—

**The Vice-Chair:** Thank you, Mr Wiseman and your worship. Maybe you could give us reality from the perspective of the municipalities.

**Mrs Tenhoeve:** I guess our point of view here is that when the existing site is there—and all they are asking is for another lift to be added, a bit more capacity to be put there where it already is, as we are asking to do with the Sarnia interim landfill expansion. If we do not get that, then we face a very strong possibility here in Plympton of exporting our garbage, and I will not support that. I feel it is much better planning to expand that site for a short time until we have our long-term greenfield site in place. We may never use that greenfield site, but we must have it in place. If we do not, for one thing we will be at the mercy of the private sector. When you are at the mercy of the private sector that is the only game in town, and you pay whatever price is demanded.

The second thing: It eliminates us having to do what we find offensive, to send our garbage to another site. Someone will tell you, "Oh, by the way, Plympton's garbage is leaving Plympton township." Those are private sites, private haulers; that is, the industrial, commercial, institutional sector. We have no control over that. We can only control what we can control. It is unfortunate that is happening, but it is not happening with our blessing. We just feel that to stay within the certificate of approval and to use a site that is already there—I toured this Keele Valley site because some of you may know that the proposed site for Plympton is directly across the road from my house. Someone will tell you, "No wonder she's all up in arms." It really does not matter. I am the mayor of Plympton township and I would oppose Toronto garbage coming anywhere in Plympton township. Because it is across the road from me only makes my constituents sure that I am not going to stop fighting and I am not going to be compromised by someone else.

Now I have lost the point. I am sorry, I do that all the time. We just feel that the extension is something we would permit because we are prepared to do that ourselves.

**The Vice-Chair:** Thank you very much for another thoughtful presentation. If you have any more information for the committee we would be pleased to accept it in writing.

**Mrs Tenhoeve:** Thank you. Could you tell me how I get a copy of all these briefs today? I did not get it written down this morning.

**The Vice-Chair:** Call Publications Ontario at 880 Bay and ask for the Hansard on the standing committee on social development.

**Mrs Tenhoeve:** Thank you very much.

## MURIEL WRIGHT

**The Vice-Chair:** I ask Muriel Wright to come forward, please. As did everyone else, you have 20 minutes to make your presentation. We ask that you identify if you are associated with any group for the purposes of Hansard and we would also appreciate some time towards the end for questioning by members of the committee. Please proceed.

**Mrs M. Wright:** My name is Muriel Wright. I am not representing a group; I am a citizen of Plympton township, though. I am here on my own behalf.

I would like to present to you my view of the critical issue of waste management in Ontario with regard to Bill 143. This enabling legislation is very broad and general, but a foundation to start. It is not a be-all and end-all document, but a beginning point to advance Ontario in a comprehensive approach to waste management for a sustainable future. Environmental issues have been my primary interest for the past few years. I have been involved in local environmental groups, focusing on reduction initiatives and collecting information associated with pollution prevention of land, air and water. One of my most recent projects has been to assist in developing a draft policy reference and regulation guide on the Ontario waste management planning steering committee for the Ontario waste reduction office.

I feel this draft policy and regulation guideline will prove to be adequate in improving the environmental assessment process. My concern is that the guideline is still in the printing stage and has not had public review. Now we have Bill 143 before us, putting it into power. It is wrong and not in the best interests of the people of Ontario to suggest passing legislation that includes this draft, which has never had full public consultation. My question is, when and how will the policy and regulation guideline be put into effect?

The critical issue of waste management in Ontario in the past has been always to look for the easy answers and blame someone else. Quick-fix or Band-Aid solutions do not work environmentally or economically for the long term. There are no simplistic solutions to such a complex issue. We must be both responsible and accountable for the problem. I congratulate our Minister of the Environment, the Honourable Ruth Grier, for her courage in bringing this comprehensive long-term plan forward.

Specifically, I would like to direct my focus on the logistics of waste management. Personal responsibility and accountability of individuals at source is my main thrust. My philosophy is based on practical, commonsense ideas to help clarify and improve the legislation. Waste is a product we all share in generating, therefore we should be responsible for its end disposal; no NIMBY philosophy allowed.

I have made reference at the top of each area to Bill 143. In part IV, section 33, I feel a true definition of waste needs to be applied to Bill 143. Clarification of this term will dispel uncertainty as to what a landfill site will be able to accept. Is this waste inert and deemed useless? Common sense tells me if the responsibility of waste generation was directed to each individual, corporation and institution from conception to disposal, this would truly be a conserving society. We would all then have a waste conscience.

Referring to part IV, section 28 of the bill, section 74 of the act: As a person dedicated to the conservation of land, air and water, I would like to apply an acronym for these elements, LAW. I would suggest it is absolutely essential to establish legislation to protect them; if you will, a law to protect the LAW. This legislation must always contain as a key focus the 3Rs, the most important being reduction. The second R, reuse, can serve our society by generating an economic base in developing reuse and refill centres. Markets for these products will be found, given time. Incentives could be offered for developing innovative technology which would in turn help solve our waste crisis.

## 1620

Source separation is an important component in developing an environmental conscience, in reduction of our waste and conserving our resources. It must become as unacceptable to be wasteful as it is to be a smoker. Public opinion is changing, but a more aggressive avenue needs to be followed to complete the job. Ontario needs to become a leader in developing new markets for recyclables, to expand the blue box program.

Part II, subsection 14(a): The commonsense approach must also apply when looking at the end disposal of waste, particularly landfills. Transport of waste in Ontario is an unacceptable solution. Transporting waste from one area to another completely contradicts the philosophy of responsibility and accountability and supports the out-of-sight, out-of-mind concept. Transport encourages communities to develop a garbage economy, concerned only with obtaining more and more garbage to feed the fund. This is not the way to develop a conserver society.

Communities need encouragement to create jobs in conservation rather than disposal. Until transport is eliminated as an alternative, waste reduction will not be seriously pursued by some communities. Living with one's own waste makes one conserve and be more aware of the environment with concern for the waste problem and its solution. Landfills must be close to the generator of the waste.

Common sense also tells me that landfills should refuse to accept all recyclables, compostables and household hazardous waste. They should only accept inert, useless waste. Household hazardous waste and compostables mixed are the most dangerous elements in the waste stream. Therefore the most concentrated effort should be given to eliminating them from disposal in our landfills. Thus, less potentially dangerous landfills would be developed, making them more acceptable to communities. I support part II, section 12, regional municipal responsibility.

In part II, clause 14(2)(a), I support the minister's ban on incineration as an alternative solution. It is an approach that is deeply flawed and has no place in a sound waste management strategy.

The following will summarize my thoughts on Bill 143.

Part II, waste disposal sites, section 12: I support the regional municipal responsibility of leaving the waste inside its municipal boundary.

Clauses 13(1)(a) and (b): I would like to see added to the estimated amount of waste a 20% contingency measure



to guarantee landfill site life expectancy to 20 years or more. Here in Lambton county with our landfill site selection and our master plan, this was a requirement of the ministry that we add 20%, and I would like to see it also set across Ontario.

Clause 14(1)(a) should remain the same, that alternatives involving incineration and transport should not be considered. In clause 14(1)(b), the alternative of transport would not be necessary if a 20% contingency measure was established.

In subsections 15(1) and (2), these policies should have been made available to public review and consultation before appearing in this bill.

In part IV, section 28, I recommend the establishment of reuse and refill centres; that incentives be offered for developing innovative technology for reduction, and mandatory implementation of waste reduction.

In subsection 33(2), define the classification of waste. A true definition of waste needs to be established.

In conclusion, I commend this government for taking us in a new direction in waste management for Ontario. Bill 143 is providing a tool to get to the root of the waste problem. It will encourage new and innovative methods of handling waste with a clear commonsense approach worthy of support. We must remember that we are only caretakers of this planet and we must strive to pass it on to our children as an asset, not a liability.

**The Vice-Chair:** Thank you very much for another well-presented brief. Before I commence with questions, the parliamentary assistant has asked for a point of clarification, so Mr O'Connor, take it away.

**Mr O'Connor:** Thank you, Mr Chair. As he said, this is a well-thought-out brief with some good suggestions. I notice one point you raised on the first page. You put a question there, and quite often my position as parliamentary assistant is to answer questions the committee members put towards me, so it is nice to see someone from the public asking the questions as well. To get a good clarification on the policy on guidelines and regulations and stuff, I would ask David McRobert if he would come up to the microphone and respond to some of those questions as they deal with the waste initiatives paper.

1630

**Mr McRobert:** I think Ms Wright is referring in her question to a document that was prepared as part of a review of waste management master planning that was undertaken by the waste reduction office of the Ministry of the Environment beginning in the summer of 1991. Drafts of a policy document have circulated throughout Ontario, generally to people involved with waste management master planning, over the past four or five months. It is intended that this document will be available to municipalities and to citizens to assist them in understanding how the reformed waste management master planning process will be applied in the province and how the new system will be based on waste reduction. The discussion paper on reformed waste management master planning is in the final stages of preparation. It is scheduled to be released very shortly and drafts of the policy guide you

referred to will be made available at the same time as the discussion paper, which is called Initiatives Paper No 2.

**The Vice-Chair:** Now we will proceed with questions.

**Mr Ramsay:** Muriel, thank you very much for not only a clear and concise presentation, but positive suggestions in your summary. I appreciate that. I am particularly interested in your suggestion of the establishment of reuse and refill centres. It seems to me that would be a good place to start towards reduction, and I am glad you emphasized that as absolutely the first priority. I think we could work very quickly in areas where we would not be inconveniencing the public and where we could make changes very quickly.

It being the winter and as a northerner consuming a lot of windshield washer fluid, I look at all those containers I am consuming and have no other use for, when you have so many of them; and also because of the contents there, I worry about reusing that container. We are all going to gas stations, obviously, filling up our tanks. Why do we not have gas station refilling, for instance, of windshield washer fluid? There is something where we are going to a depot anyway; why not have that?

I think the government needs to look very quickly at items that could be acted upon immediately with the least disruption and then phase in other things that might take a little more time for business and consumers to adapt to. Maybe groups such as yours should be going after the government to do that sort of thing so we can get some immediate savings right away.

If maybe there are about two million cars in Ontario, and maybe people go through on average five of those a year—I am sure it is more—there are probably 10 million of those four-litre containers out there every year that are being stored in great land, Ontario. I would encourage you to pick items like that and really go after the government on that. Maybe as a legislator that is what I need to be doing too. Thanks for bringing this to mind.

**The Vice-Chair:** Do you wish to respond or make a comment?

**Mrs M. Wright:** I do not know a great deal about the reuse and refill stations because I have not had the chance to go down to New York state. Apparently that is where the concept of them started and they are being very successful, and not only reuse and refill; there are also depositing centres where you can take back—there is a deposit on all items and they would strictly just exchange for your deposit, such as your pop bottles, liquor bottles and such.

**The Vice-Chair:** Mr Lessard, you had a question?

**Mr Lessard:** I want to thank you as well for your presentation. I had indicated to a presenter earlier how much we as a committee appreciate having people take time and effort to come before us who really do not have any financial interest in the outcome of this initiative. The views you express are important and they are appreciated for that reason.

I was just curious as to how you became involved in assisting in developing the draft policy reference and regulation guide in the waste management planning, because I

think people who are here today might be interested in how you get involved in those sorts of initiatives.

The other question I have is with respect to markets. You stated that markets would be developed over time. Do you think there is something we as legislators can do to speed that up?

**Mrs M. Wright:** I think one area the legislators could help in would be offering incentives to entrepreneurs to start some environmentally friendly businesses. That would be one area the legislator could help in. I realize money constraints are tight right now, but that is one area I think could be very positive in our economic downturn times right now too, because money spent in that area could also generate more economy in the areas.

As for how I got involved in all this, first of all, it started way back in our waste management master planning here in Lambton county. I chair the public advisory committee, and then when the NDP government took over, it decided to redo the waste management master planning and I was asked to go to Toronto different times to sit for the public, advising in that capacity on waste management master planning changes.

Then with our own environmental groups here, we belong to the Ontario Environment Network and I sit on the waste caucus of that committee, with John Jackson from Waterloo, whom you may be familiar with. They asked for two representatives from the public to assist in this draft policy and regulations. John Jackson and I were called and we kindly obliged them and attended a few of the meetings. There was a lot of faxing and communications back and forth so we did not have to travel to Toronto all the time, and we are just waiting patiently for the results of our work.

**Mr Lessard:** Thank you for your contribution.

**The Vice-Chair:** Mr McClelland, a short comment or question.

**Mr McClelland:** By way of comment I want to say thank you to so many people, including yourself. You have an interesting contrast here—bookends, if you will. You said this was a good, comprehensive, long-term plan being brought forward, and this morning the first one called it a Band-Aid attempt, an irresponsible and misguided Band-Aid attempt at a long-term problem. I guess that sort of says a lot about the work of the committee. Within that context we have a range of opinion, but I think the thing

that is noteworthy is that the person who said it was Band-Aid attempt brought forward some positive solutions or improvements, and you, who think it is a good thing, said it can be made even better. Within that context, certainly as the opposition, and I am sure I speak for my colleagues, who I am sure will add a point or two, we want to thank the people from Sarnia and from the surrounding area who have come here to bring that range of opinion and more-over the positive solutions as we try to do our job.

**The Vice-Chair:** Ms Mathysen, seeing as how your riding is the closest to being the host riding for Sarnia, perhaps you would not mind making the wrapup comments for members of this committee, please.

**Mrs Mathysen:** I am the member for Middlesex, and I must say that if I could not be the member for Middlesex, I would certainly like to be the member for Sarnia. On behalf of the committee and on behalf of the minister, I want to thank the people of Sarnia and area, and indeed all the host communities that have provided us with real information, have shown their concern, their care and their genuine belief that we have a responsibility to protect our environment. I want to thank you particularly for your wisdom. I will paraphrase Ms Wright in saying that we are indeed only the caretakers and we do have an obligation to protect this world that nurtures us. Thank you for your dedication to that and thank you for helping us in our quest to find the solutions and the right answers to this situation.

**The Vice-Chair:** In conclusion, I would like to thank you, Mrs Wright, and all the people of Sarnia, both for their hospitality and for their interest and their participation, because I must say, having sat in on all the sessions, we probably heard the most emotional debate here today, and we also have the most facts to bring home with us. I only hope that our plane can take that basket of material with us. Once again, thank you very much for your concerns, for your participation and for your wisdom.

Before I adjourn the committee, there are a couple of housekeeping items. The bus will be at the front door at 5:30. That is for members of the committee. Please claim your luggage. You will have to carry your own. It is in room 120. Make sure you are there; otherwise you will be hitchhiking.

This committee now stands adjourned until Monday, March 9, at 2 pm at Queen's Park. Thank you very much.

The committee adjourned at 1640.



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## Assemblée législative de l'Ontario

Première intercession, 35<sup>e</sup> législature

# Official Report of Debates (Hansard)

Monday 23 March 1992

# Journal des débats (Hansard)

Le lundi 23 mars 1992



## Standing committee on social development

Waste Management Act, 1991

## Comité permanent des affaires sociales

Loi de 1991 sur la gestion  
des déchets

Chair: Elinor Caplan  
Clerk: Lynn Mellor

Présidente : Elinor Caplan  
Greffière : Lynn Mellor

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### Numbering of Hansard

Effective with the opening of the Second Session of the 35th Parliament, Hansard issues and pages will once again be numbered on a sessional basis. Hansard numbering therefore will become consistent with Orders and Notices and Votes and Proceedings, and with other parliamentary publications throughout Canada.

For the last two years Hansard has been numbered according to the calendar year. Under this system, the numbering of issues and pages was restarted with the first issue in the calendar year, regardless of session or Parliament.

Under the new system, the sequence of numbering started in January 1991 will end with the final House and committee sittings of the present First Session. A new sequence will begin on the opening day of the Second Session, and each succeeding session, which will be issue 1 and begin with page 1. Committee reports likewise will be numbered from the first sitting of each committee in a parliamentary session.

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Il existe un index cumulatif des numéros précédents. Les renseignements qu'il contient sont à votre disposition par téléphone auprès des employés de l'index du Journal des débats au (416) 325-7400.

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Avec le nouveau système, la numérotation commencée en janvier 1991 s'arrêtera à la dernière séance de la Chambre et des comités de l'actuelle première session. Une nouvelle série commencera le jour de l'ouverture de la deuxième session et des sessions suivantes : numéro 1, page 1. Les rapports des comités seront également numérotés à partir de la première séance de chaque comité pour une session parlementaire donnée.

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# LEGISLATIVE ASSEMBLY OF ONTARIO

## STANDING COMMITTEE ON SOCIAL DEVELOPMENT

Monday 23 March 1992

The committee met at 1404 in room 151.

### ELECTION OF ACTING CHAIR

**Clerk of the Committee:** As neither the Chair nor the Vice-Chair is present, it is my duty to call upon the honourable members to elect an acting Chair.

**Mr McClelland:** I move that Mr Charles Beer's name stand as acting Chair.

**Clerk of the Committee:** Any further nominations?

**Mr Cousens:** I move that nominations be closed. I would like to make a long speech on why we would want to give Mr Beer a tough time, but because he will be Chairman automatically, I hope to gain some goodwill here.

**Mr McClelland:** You need all the goodwill you can get.

**Mr Cousens:** I need all the goodwill I can get.

**Mr O'Connor:** I think Mr Cousens raised a valid point, that we welcome Mr Beer to this committee, recognize that we can close the nominations at this time and welcome him aboard.

**Clerk of the Committee:** There are no further nominations and I declare Mr Beer elected acting Chair.

**Mr Cousens:** I bet you wish it was that easy with the Liberal Party.

**The Acting Chair (Mr Beer):** Thank you very much to all the members of the committee. Like you, I look forward to this week.

### WASTE MANAGEMENT ACT, 1992

#### LOI DE 1992 SUR LA GESTION DES DÉCHETS

Resuming consideration of Bill 143, An Act respecting the Management of Waste in the Greater Toronto Area and to amend the Environmental Protection Act / Projet de loi 143, Loi concernant la gestion des déchets dans la région du grand Toronto et modifiant la Loi sur la protection de l'environnement.

**The Acting Chair (Mr Beer):** Just before we begin the formal proceedings this afternoon, we will be inviting the minister to address us. As some members may be aware, there has been a change in the way in which bills are put forward. I would like to ask the legislative counsel to explain what has happened with respect to the reprinting of the bill, which you now have before you.

**Mr Spakowski:** The committee will be working with a bill that has been reprinted to take into account the changes in the 1990 statutory revision. The reprinted bill looks pretty much the way the former bill did, although it has a note just below the minister's name to indicate that it has been reprinted. No substantive changes have been made to the bill. As they affect this bill in particular, the changes have primarily been renumbering because the

Environmental Protection Act, among others, has had renumbering within it, and also to reflect the fact that now the Environmental Protection Act is a bilingual act. So the amendments to the Environmental Protection Act are now bilingual as well. If there are any other questions, I would be happy to try to answer them.

**Mr Sorbara:** Is a copy of the reprinted bill available? Is it going to be handed out or has it been handed out?

**The Acting Chair (Mr Beer):** Yes, it has been, but another copy will be forthcoming.

### OFFICE FOR THE GREATER TORONTO AREA

**The Acting Chair (Mr Beer):** If that is all on that, I would like to welcome the minister with us today. Also, just before asking her to make her comments, is there any objection if ministry staff can come and sit at the chairs in front of us? If not, please come forward.

To review briefly the process for this afternoon and just to make sure everybody is aware of the agreement that was reached at a meeting in February, we have approximately an hour at the beginning of the afternoon. The minister has some 20 minutes for her comments. Following that each caucus will have 20 minutes to make comments and/or ask questions. Is that everybody's understanding of our first hour, after which we will go into clause-by-clause? Without further ado, Minister, welcome to the committee and please go ahead with your statement.

**Hon Mrs Grier:** Thank you, Mr Chair. We congratulate you on having assumed chairmanship of this committee. I am sure that, as I have, you have read all the Hansards of all the hearings that have preceded our appearance here today. I want to thank you and the members of the committee for the time and the effort that has gone into those public hearings on the Waste Management Act, Bill 143. I am sure the many people who attended the sessions here and in Kingston, Kirkland Lake, Samia and Sudbury appreciate the opportunity you have provided for their comments on and contribution to this legislation.

In my remarks at the start of the hearings I stressed the importance of this legislation to Ontario in both environmental and economic terms. I believe we have come to a crossroads in how we manage our wastes.

**Mr Sorbara:** On a point of order, Mr Chairman: I am not entirely familiar with the rules of the committee, but it is my understanding that when a minister is addressing remarks to a committee from a prepared text, generally a copy of that text is made available to the members of the committee. Am I wrong in that?

**The Acting Chair (Mr Beer):** There is a custom in the House; I am not sure if that is always so in committee.



**Mr Sorbara:** I wonder if the minister has additional copies of her prepared remarks so that we might follow along with her.

**Hon Mrs Grier:** I think we will be distributing them shortly. Whether they have arrived, I do not know.

**Mr Sorbara:** They will not be of much use—well, here they are. Look at that. Just call for it and—

**Hon Mrs Grier:** They were about to come.

**Mr Sorbara:** Just wanted to make any grammatical corrections that might appear; that is why we did not get a copy.

**Mr Wiseman:** On a point of order, Mr Chair: I ask that this be deducted from the Liberal caucus time.

**Mr Sorbara:** Do not be silly.

**Mr Wiseman:** You are the one being silly.

**The Acting Chair (Mr Beer):** Order.

**Mr Sorbara:** It is just a point of order.

**The Acting Chair (Mr Beer):** I will ask the minister to begin again.

1410

**Hon Mrs Grier:** I believe we have come to a crossroads in how we manage our wastes. We can continue to be the world's leading generators of waste or we can move in a new direction, towards a conserving society in which long-term economic sustainability and environmental quality go hand in hand.

From the outset I have maintained that Bill 143 contains basic principles on which we would brook no compromise, but that we were open to any positive contributions that would improve the legislation and contribute to its objectives.

The committee has heard more than 200 presentations and received about four dozen written submissions from environment groups, citizens, municipalities, labour unions, industry associations and individuals. These presenters have been playing their part to ensure this legislation is challenged, tested and improved in the best interests of the people of Ontario. All the presentations have been reviewed in detail and given serious consideration by the Ministry of the Environment and the Office for the Greater Toronto Area as well as by the members of this committee.

As the committee reviews this legislation, the government will introduce some amendments based on submissions to the committee and our consultation with a number of stakeholders. These will clarify the language and intent of the legislation in a number of sections and resolve some concerns and misunderstandings without compromising the basic intent of the legislation.

We are also prepared to listen to opposition proposals and accept them if they will improve the legislation while maintaining the environmental principles this government is committed to.

Part I of the bill gives the Interim Waste Authority the powers it needs to find suitable long-term landfill space for the regions of Durham, Peel, York and Metropolitan Toronto. The IWA is, and is deliberately described as, an interim organization. Future negotiations between the province

and the GTA regional governments will determine how the landfill sites will be managed in the GTA in the long term.

A number of presenters felt we should define, in sections 1 and 2, a mandate for the IWA or specify what agency would operate the landfills. To do this would limit flexibility in our negotiations. We want to be able to respond to the positions of the regions when the time comes to discuss operating the sites.

In section 3 we intend to propose some changes to clarify and better define the expropriation powers provided to the Interim Waste Authority. In the past, legislation simply granted authority to an agency to have virtually unrestricted access to property. Sections 7 to 10 of this legislation safeguard the rights of property owners and limit those powers of access. We have also tabled amendments which clarify some other limits on powers of access, such as notice and the right to be heard during application for a warrant.

The IWA needs the power to go on to property and test soil and geological conditions to find the safest, most environmentally sound sites for landfill in an efficient manner. A number of municipalities told this committee how, without powers of access, they were unable to investigate sites properly and eliminate unsuitable locations.

Sections 12 through 16 deal with selection of landfill sites, determination of need and landfill capacity and the environmental assessment process to be followed. We have had extensive comment, before and during the hearings, on two options specifically excluded from any environmental assessment for the IWA landfills. Incineration and hauling garbage beyond the boundaries of the GTA are waste disposal measures that are inconsistent with waste reduction. They are a product of the way of life that has created garbage crises across Ontario. They are not solutions but part of the problem.

Our government has banned new facilities for incineration of municipal solid waste. We have done this on environmental grounds related directly to public health and safety and on the practical grounds that incinerators are expensive and completely incompatible with our waste reduction policies. Their voracious appetite for garbage as fuel does not complement waste reduction but competes directly with the 3Rs for reusable material. This committee has heard ample evidence from scientists and citizens about the health risks, high costs and incompatibility with the 3Rs of incinerators.

Any proposal for shipping garbage beyond the boundaries of the GTA, including the Kirkland Lake Adams mine proposal, is an "out of sight, out of mind approach" that provides no incentive for reducing wastes in this area of four million people. And with no incentive for waste reduction, the four million metric tonnes of garbage created here every year will be a constant threat to the environmental health and integrity of communities throughout the rest of the province.

We have heard enough from communities across Ontario in recent years to be assured that they want protection against being deluged by Toronto-area garbage. This prevailing sentiment was made clear in submissions at the Kingston and Sarnia hearings, as well as in many presentations made to the committee in Kirkland Lake. I am determined to provide the

protection these communities clearly want and need. This section of the bill does not, as some have interpreted it, interfere with the flow of materials destined for reuse and recycling. Development of healthy markets for secondary materials is enhanced by this bill, not restricted by it.

Part III of the bill, especially section 17, deals with measures to meet the disposal capacity gap in the GTA and to ensure that, while long-term landfill sites are being assessed properly and developed, there is disposal capacity available.

The region of Durham is understandably concerned about the cost of short-term transfer facilities to deal with its wastes after Brock West landfill closes. We have given Durham time to pursue more cost-effective alternatives to the construction of a transfer station at Brock West.

In Peel we have worked closely with the region, with municipal officials and with the affected communities to resolve concerns over the extension of capacity at the Britannia Road landfill to serve the region's need for disposal while a new, long-term site is assessed. I have been personally involved in this process and have found that almost all the municipal officials and affected citizens are prepared to deal with the issues in a positive, constructive and cooperative way.

The need for a capacity extension at the Keele Valley landfill site serving York and Metropolitan Toronto is a situation that is changing on a day-to-day basis. When these hearings began I said there was some hope that an Environmental Protection Act hearing might be possible for this site.

Metropolitan Toronto, which operates the site, is proceeding with the studies that are required and is developing a community involvement program for the landfill extension. Their progress gives me even more grounds for optimism that, if an extension is required, there will be time for a hearing. We will introduce an amendment to Bill 143 to allow for a hearing. As Metropolitan Toronto suggested in its submission, the hearing could be limited in time and scope but would provide an impartial review by the Environmental Assessment Board of the environmental acceptability of the extension. If studies are completed and capacity estimates prove correct, a hearing could begin as early as next year.

Part IV of the bill deals with a series of amendments to the Environmental Protection Act which are province-wide in application.

Many municipalities interpreted portions of part IV as meaning that the provincial government wished to take over waste management responsibilities. We have tried hard to prepare amendments to clarify the wording to respect municipal authority and we thank all those municipalities for pointing out areas of concern. Municipalities have always been responsible for waste management and we have no intention of changing the situation.

In section 23 we are seeking statutory authority to establish a waste management system in emergency situations. Such a system may include haulage facilities or a waste disposal site, such as a temporary storage facility.

There are always a few situations that arise, for example the cleanup and storage of radioactive waste from the Malvern community in Scarborough or PCBs at Smithville,

where municipalities may welcome direct provincial intervention for effective management of the situation. To ensure proper application of this power, we intend to amend the section to ensure that the appropriate municipal consent is sought for any direct provincial government action under this legislation.

There was some concern that the definition of "waste management systems" in section 24 might result in government interference with contractual arrangements for waste management between a municipality and private sector contractors or even between municipalities. This is not intended and we will reword the amendment to ensure that the law is clear on that point.

1420

As I indicated at the start of the hearings, we will clarify section 26 to ensure that my accountability and the accountability of future ministers for waste management orders, known as minister's reports, is not delegated.

Other questions have been raised about section 26 by municipal representatives. They have been concerned that their careful and prudent long-term waste management planning could be devastated by an order to absorb waste from another, less fortunate community.

The government already has powers for emergency situations under section 29 of the Environmental Protection Act to intervene in municipal waste management activities. Our intent here is to establish, for the first time, some clear limits on those emergency powers. We will be amending this section to ensure that a five-year time limit applies and to provide for compensation. This should strengthen and provide some assurance for the integrity of municipal long-range waste management planning.

Clause 33(2)(j), relating to municipal financing of waste management, has been the subject of extensive municipal debate and discussion. The government has decided to delete clause 33(2)(j) from the legislation and to prepare a discussion paper on the financing of waste management, including the 3Rs. There will be wide-ranging consultation during the paper's development and more formally when the paper is released for review. A firm, sustainable financial basis for waste management must be established based on the principles of local responsibility, full cost accounting and product stewardship.

Other changes to subsection 33(2) of the bill have been formulated following a review of the points made to the committee. For example, some groups felt the language in clauses (k) and (r) was too broad and did not specify that the regulations developed under these clauses would apply only to 3Rs facilities. This concern has been recognized and appropriate qualifying language inserted.

Similarly, some were concerned that the wording in clause 33(2)(t) would allow a minister to deem a certificate of approval to exist for a large landfill site in addition to 3Rs facilities. We will change the wording to rule out any such misinterpretation.

One major concern of the municipalities—inefficiencies of the waste management master planning process and the environmental assessment process—will be addressed in discussion papers that will be released very shortly. The



paper on reform of municipal waste planning has been prepared in conjunction with the Ministry of Municipal Affairs and the Association of Municipalities of Ontario. A second paper addresses the legislative reform required to provide municipalities with the powers needed to manage waste effectively and efficiently. In addition, later this year the ministry will be announcing improvements to the environmental assessment process.

Some industry representatives have challenged provisions in this legislation related to packaging and waste reduction. They point to the voluntary national packaging protocol as an effective instrument for achieving reduction goals. The ministry will ensure that the standards we use are also endorsed by the National Packaging Task Force. In fact, we are leading that task force to develop standards which will become national in scope. Just last week the Canadian Council of Ministers of the Environment decided to review progress on voluntary reduction of packaging waste, and then will decide whether regulations are necessary.

I am encouraged by what is being achieved voluntarily. In the industrial, commercial and institutional sectors there are a lot of organizations doing their best and showing what can be accomplished. Unfortunately, there are more of them holding back. The public is demanding action on waste reduction from both government and business.

We are consulting industry in developing the regulations that will require audits and waste reduction action plans. I am confident that we can work out an effective and fair way of achieving our objectives. This commitment to consultation extends to all the regulations needed to implement our waste reduction action plan.

Some businesses, particularly in the waste management industry, expressed concern about the lack of reference to the private sector in the bill. This government supports a strong private sector as a primary means for economic renewal. This legislation will in fact create new business opportunities for innovative 3Rs facilities and services as well as traditional waste management activities. Much of the legislation does not mention business because it anticipates no change in the current system which involves cooperation between business and governments.

Some presentations to the committee urged the government to go further in the area of waste reduction and ensuring product stewardship. In that regard we have introduced amendments to extend the authority to require deposits on products as well as packaging and containers.

Some presentations have called for further delay to this legislation. One, for example, suggested holding the bill until the ministry's initiatives paper relating to financing has been dealt with. Another would place Bill 143 on hold until our ministry and the Ministry of Municipal Affairs complete consultation on statutory authority for municipalities for waste management.

These suggestions say to do nothing until we know everything and have studied and debated it all. We will never know everything. We will always have something to resolve. But we have a job to do. We have to make a start across Ontario on reducing the waste we generate and on providing better, safer alternatives for the residual wastes for which no use can be found.

We are standing at the crossroads and we have to turn in the direction of a conserver society. Instead of standing still for further discussion, let us start our journey now. This legislation is the start of the process, not the end of it, and it is time to get on with the job, working together to resolve the problems created by our established wasteful habits. It is time to build solutions, and I thank you for the part that this committee is playing in doing just that.

**The Acting Chair (Mr Beer):** Thank you very much. Under the procedures agreed to, I now call upon the Liberal caucus. Mr McClelland, you have 20 minutes for a statement and/or questions by yourself or to be shared with members of your caucus.

**Mr McClelland:** I should indicate at the outset that I will be using a portion of the time and my caucus colleagues will be using the remainder of the time.

Minister, we thank you for coming here today and presenting to the committee. I am a little taken aback, quite frankly, by your opening comments. I thought we would have had something a bit more specific and some reference to the amendments you are proposing in light of your news release of March 17, 1992. You say in that news release, by way of example, that valuable contributions were made from a variety of groups including municipalities, business, labour and community groups, and you were going to address those without compromising the intent of the bill.

What we have in your statement today is some reference that business can rest assured that it is welcome in this province, and that the bill or your amendments do not address the concerns raised by business because there is no problem. Having sat through these committee hearings and heard so many people bring so many specific recommendations to this committee, where is this response the government talked about in this March 17, 1992, press release?

I look at the government amendments that are proposed, and but for a couple they are housekeeping measures. They clean up a bit of language. They make things a bit more clear. They change a word here; they change a word there. They incorporate the use of French. They change a French phrase here and change a French phrase there. I suppose the ultimate insult of the amendments brought forward is contrasted with page 1 of your statement today, paragraph 3: "From the outset, I have maintained that Bill 143 contains basic principles on which we would brook no compromise."

I remind you, Minister, that in the 1990 election, in the basic principles that you as Environment critic and the now Premier ran on as you went from place to place across this province, there was among other things a statement that there would be no expansion of existing sites without a full environmental assessment. Those were basic principles that you then adhered to, that you then stated. Bill 143 flies in the face of that. You know that, and what you do in terms of your amendments is to say, "Maybe if we can, we might possibly accommodate Keele Valley in terms of something akin to an environmental assessment hearing." The question remains: Do you or do you not believe in the

environmental assessment process, as you said you did before?

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Another question I have to raise again at this point, Minister, is this: Throughout 1990 in the campaign and even since that time, you said that an environmental bill of rights would be the cornerstone of your environmental agenda. We now know from cabinet documents we have received that it is number 56 on your priority list, and we know why that is. We know that an environmental bill of rights would completely fly in the face of many of the provisions of Bill 143. It would fly in the face of that much-talked-about commitment to public participation in allowing people to have their say and participate in the process through an environmental assessment.

Very clearly what this bill has indicated is that it catches you out in your statement of October 1990, when you said there would be no garbage gap. My predecessor as Environment critic, Mrs Sullivan, asked you, "What are you going to do about a garbage gap?" You said, "There will be none, not to worry," and that you were going to have it under control. Then you came forward with Bill 143, which was crafted together as a Band-Aid solution to long-term problems. We heard that everywhere we went across this province.

In your statement today you have focused in and have said that you heard there were people who supported the bill and who have said it is a good bill because it has begun to deal with the problems of waste generation. Part of the bill does that, but let's look at the broader picture. Throughout the course of this hearing your parliamentary assistant has basically said this is a good bill because it outlaws incineration and it makes sure we cannot transport garbage across municipal boundaries. Bill 143 is much more than that, and it became a spin of the government members throughout the course of these hearings basically to say: "If you're against incineration, you must be for Bill 143. If you're in favour of waste reduction, it follows that you must be in favour of Bill 143."

At no time have you addressed the major concerns of people who came before the hearings, people who said: "What about our rights? What about the whole structure of environmental law as we know it in Ontario? What about environmental assessment? What about the Environmental Protection Act? What about the Ontario Municipal Board Act? What about the Municipal Act? What about all the acts that have been heretofore in place to afford public participation and the opportunity for people to have some sort of legislative framework? Today you do not come forward with any statements that revisit those basic principles you believed in.

You mention as well that Bill 143 maintains certain principles based on environmental grounds—and I am not sitting here today speaking as a proponent of incineration. I want to make that abundantly clear, contrary to what some people have suggested throughout the course of these hearings. What I am suggesting is this: As we were having hearings on this bill and you were appearing before a court of law in Detroit, Michigan, and having questions put to you such as, "On what basis are you making your

position?" you could not give them answers. You come before this committee and, other than some statements, say, "It's based on environmental grounds because we have heard evidence"—let me remind you of the five people your caucus had an opportunity to invite here. Each caucus had an opportunity to invite five groups to present for an hour. You brought in two experts from the United States to say what a terrible thing incineration is. I am not arguing the point of incineration. What I am saying is that surely you could have found your expertise within Ontario, some expertise based on empirical data, some people who could come here and make your case based on evidence that would be supportable or else subject to challenge. You are unable to do that, Minister.

You come here and make some great statements about how we all know it is expensive and it is incompatible. It is what we have said throughout the course of these hearings: a bill crafted on ideology and not on empirical data. This is a bill based on expediency, not on environmental principles; not on environmental integrity but rather a commitment to ideology.

Quite frankly this makes a mockery of the process. I remind people that you said how happy you were to have people come here, Minister, the 200-plus deputations that appeared before the committee.

Let's remember what is going to happen at the conclusion of clause-by-clause this week. We are going to move back into the House. We are going to have three days of committee of the whole and one day of third reading, probably two and a half or three hours, the way the legislative process works. I remind you again that this came only after a lot of kicking and screaming from opposition members, Mr Cousins, myself, Mr Sorbara and others; that you wanted this legislation by December 17; that you said—and you said it to me personally—that garbage would be piling up on the streets of Peel, and did I want to have the burden of that responsibility on my shoulders, if you did not get this legislation by December 17. You may recall that conversation.

It is great for you to come here and say how much you appreciate the input of people. I want to see some concrete amendments brought forward that address the concerns of the business community, the concerns of ratepayers, the concerns of the people at Britannia, the concerns of municipalities that are concerned about your taking over their position in terms of waste management.

I have to tell you very candidly, Minister, that I am disappointed to date. I hope there will be more amendments forthcoming. The amendments you have here really do nothing at all to change the basic principles of the bill, which, among other things, say you have abandoned your previous commitment to public process and allowing people to have an opportunity to participate in the environmental assessment process.

I want to ask you a question that you can respond to at any time. I want to know if the current government will plan to limit or restrict the way municipalities spend their landfill operation revenue. Very recently, within the last couple of days, we have had an Environmental Assessment Board hearing coming out of Orillia. One of the



recommendations of that Environmental Assessment Board hearing, recommendation 20, is being appealed to cabinet. Orillia has the concern that you and your government are going to limit or restrict the way municipalities spend their landfill operation revenues. There have been concerns expressed by AMO and other organizations throughout the debate on Bill 143 that in fact what you as the government is doing is saying that you are taking over the operation of waste management and allowing the municipalities to pay the tab, but you will direct exactly what they are going to do. I would like you to address that specific concern.

In summary, Minister, I am very disappointed that you have not dealt with the specific concerns. You said you have reviewed the material carefully. I find it incredible that you can sit here and say you have looked at it seriously, and then look at the amendments that have been brought forward, which really do virtually nothing to address the many concerns brought forward by people.

**The Acting Chair (Mr Beer):** Just before going on, I will stop the clock for a few seconds. I just want to be clear. Do you want the minister to respond to your questions or do you wish your colleague to speak first?

**Mr McClelland:** I will let Mr Sorbara speak first.

**The Acting Chair (Mr Beer):** Okay; thank you.

**Mr Sorbara:** I just have three or four questions. First of all, I want to ask the minister whether she is aware of a political commitment made by the member for York South, now the Premier of Ontario, during the last general election campaign at the site of the Keele Valley landfill site not to proceed, if elected, with an expansion or the opening up of a new dump facility in the absence of a full environmental assessment. Are you aware of that commitment?

**Hon Mrs Grier:** What is your process, Mr Chair? Do you want me to immediately respond to questions?

**The Acting Chair (Mr Beer):** Do you want her to—

**Mr Sorbara:** I want to get some answers.

**Hon Mrs Grier:** I would be glad to respond to that, Mr Chair, because there most certainly has been a concern of this member and of other members in the hearings before this committee, and I think the subject has been well canvassed. Presenters who have appeared before the committee have argued, certainly, about commitments that had been made during the election campaign and have argued about the possibility of keeping those commitments.

I certainly acknowledge that both the Premier and myself feel that for a landfill site, whether it be a new one or an extension, the Environmental Assessment Act process is the desirable way to go. However, when faced with the realities of dealing with waste management within the greater Toronto area, we have acknowledged that while we have embarked upon a long-term site search, which is part of this legislation, there is a risk, in fact, in the case of Peel—not just a risk but a certainty—of its being out of capacity before a long-term site is available.

Therefore, faced with the options that had been chosen by the previous government of opening up interim sites in

new greenfield locations without an environmental assessment or continuing the operation of existing, well-functioning sites, we chose the option of continuing the operation of both the Britannia and the Keele Valley sites because they were already existing landfills and we knew they appeared to be functioning well. As part of our orders to Metro Toronto and to the region of Peel, we ordered them to do technical studies that would confirm that they were in fact operating well and could accommodate this extra waste.

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Both municipalities have embarked on those studies, and among the amendments I have now put before the committee is an amendment to ensure that in the case of Keele Valley, given that there appears now to be time for a hearing under the Environmental Protection Act, that hearing will occur. We accepted the suggestions of Metropolitan Toronto and other presenters to the committee that to ensure a hearing, and that it be a time-limited hearing, some scoping be in part of the legislation. We have agreed to that.

I acknowledge that it would obviously have been our first preference to have a full environmental assessment, but given the crisis and the timing, that was not possible. We have attempted to do the best possible community involvement and consultation we can in the case of those two expansions, and we have made it very clear that the search for the long-term sites will be done with a full environmental assessment.

**Mr Sorbara:** With respect, I am looking for specific answers to specific questions from the minister and I would just ask, given the shortage of time, that she limit her answers simply to the question. We are not in a debate here. I asked, "Were you aware of the commitment?" Obviously you were aware and obviously you are acknowledging that Bill 143 is anything but a fulfilment of that commitment.

My second question is—and if you just kept your answers brief, I would appreciate it—would you agree with me that the underpinning of environmental legislation in the area of waste disposal is based generally on the principle that the legislation ought to provide fair hearings to groups that are affected and the process ought to result in the selection of the best possible site for waste disposal when landfill is being considered?

**Hon Mrs Grier:** Yes. Indeed, the Environmental Protection Act provides for public participation and provides for being sure that technically a site is as safe and as good as it can possibly be.

**Mr Sorbara:** Then can I ask the minister—

**Hon Mrs Grier:** The Environmental Assessment Act requires an examination of alternatives when looking for a new landfill site, but let me remind the member that in the Environmental Protection Act is section 29, which gives the minister emergency powers. Those emergency powers have been utilized by me in my orders that Keele Valley and Britannia be extended. In this particular legislation and in the amendments to this legislation that we have put before the House, we have in fact limited those emergency

powers as they have never been limited by any of my predecessor ministers of the Environment.

**Mr Sorbara:** Then can I ask the minister, on what basis did she, without any hearing, without any studies, without any consultation, without talking to anyone but presumably the officials in her own ministry and her cabinet colleagues, decide that the best possible location, not for an interim site but for a permanent site, for Metropolitan Toronto's garbage is the regional municipality of York? Not the regional municipality of Peel, not the regional municipality of Durham, not any other area in the province, but the only site, the only jurisdiction, the only area, the only region that could possibly provide an acceptable site for the garbage of 2.5 million people in Metropolitan Toronto is in the region of York, and no other place in the province, notwithstanding that the provision of York bill provides no haulage outside the GTA.

You have made a decision, without talking to anyone and without doing any studies, to determine that Metro's garbage, which is really the subject of this bill—notwithstanding all the baffle-gab about the 3Rs, it has to do with where we are going to put Metropolitan Toronto's garbage. What studies did you do to determine that York region would provide a better site than Peel, which is also a neighbour with coterminous boundaries, and Durham, which is also a neighbour? How is that consistent with environmental principles about having hearings to choose the best possible site? Why did you choose York region and not Peel? Why did you not divide up Metro's garbage between Peel, Durham and York if you want to keep the garbage within the GTA? What drove you to consider York region as the only acceptable site for 2.5 million people in the municipality of Metropolitan Toronto?

**Hon Mrs Grier:** It is always, I suspect, tempting to rewrite history, but I remind the member than an agreement between the municipality of Metropolitan Toronto and the region of York was in place long before I became the minister, and that agreement provides—

**Mr Sorbara:** So it is just history. I am sorry to interrupt, but you are saying it is just history then, because that is where the garbage was pursuant to an agreement and an environmental assessment hearing and a determination that the site was acceptable, that because that is where it once went, because there was an environmental assessment done on Keele Valley, that from now on we would always only look in York region and in no other corner of the province.

I submit to you, Minister, that that is the worst kind of environmental planning, not simply for the province of Ontario but any jurisdiction in North America, and it would be completely rejected by anyone with any kind of commitment to sane, sensible environmental principles based on finding the best site and doing it through a hearing process. I ask the minister not to base her decision on history, because history was substantiated by hearings and your decision was not.

**Hon Mrs Grier:** The member, in the preamble to his previous question, said he just wanted direct answers. He

did not allow me the courtesy of finishing my last direct answer.

**Mr Sorbara:** I would like to hear it now.

**Hon Mrs Grier:** Do you wish me to answer that question? May I perhaps complete it?

As I was indicating to the member, an agreement is in place between Metropolitan Toronto and the region of York which provides that until the year 2003 the waste from the two regions be disposed of in Keele Valley. Because of profligacy with that very precious landfill capacity, that landfill is now going to be full long before the year 2003. Any municipality, in embarking upon a landfill search, determines an area within which that search will take place. There are often agreements between municipalities and towns and outlying municipalities that they will jointly embark upon a study.

**Mr Sorbara:** That is simply not true.

**Hon Mrs Grier:** We have continued that arrangement and under the Environmental Assessment Act I can assure the member that the safest and best possible site for the disposal of waste—

**Mr Sorbara:** Is in York region.

**Hon Mrs Grier:** —will be found. It has not been decided where that site will be. It will be in either Metropolitan Toronto or York region and it will be decided upon on the strictest environmental criteria, criteria that are more environmentally sound than any criteria used in any landfill site search throughout this province before, and I can guarantee that.

**Mr Sorbara:** I submit to the minister that she—

**The Acting Chair (Mr Beer):** Excuse me, I am afraid the 20 minutes for the Liberal position is up. I would now call on Mr Cousens. The Conservatives have 20 minutes.

**Mr Cousens:** Ontario's waste management future will be fit for little more than the scrap heap with the passing of Bill 143. I believe what the minister has done is close off all effective options to finding a solution to greater Toronto area waste and is so restricted under this bill. This minister has said no to incineration, no to communities that want to accept waste for recycling, no to municipalities trying to find a solution that meets their needs and those of the GTA. From day one, this minister has stayed with a bill that defies logic and panders to the lobbying of the ecoterrorists who are out there in this province.

[Laughter]

**Mr Cousens:** You laugh. I think what has happened over the last several weeks is that the mockery has been to the people of Ontario, who have had three weeks of public hearings and as the result of that we have amendments and changes coming from this ministry that mean little, if anything.

The reality is that the problems we have with waste in this province—there are a number of realities. One reality is that this government has said no to incineration, that you cannot burn it. This government has said no to transportation and repeats that again today. You do not even allow people who say, "Yes in my backyard". You say no to anyone



outside the greater Toronto area who wants to be part of this solution to our waste problem.

The reality is that you cannot stop garbage. We will always have garbage and it continues to be with us. The reality is that you still cannot count on the 3Rs continuing to solve the problem. I think there is not a person in this room who does not believe in the 3Rs, yet we are now beginning to see grave problems with the blue box program. In a few years from now it may well be that the province and municipalities that have to provide that blue box program may be forced out of it because of costs.

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So what does the minister say in the first three parts of Bill 143? She says all you can do is bury it. That is the solution to our waste, aside from the 3Rs, where they can work. So if you deal with burying our waste, you are dealing with outdated technology, you are dealing with dangerous long-term implications. Do not for a moment underestimate the problems of what we are doing at Keele Valley with the headwaters of the Don River. Let's not forget the importance of what happens with the mess that comes with this old-fashioned technology you are leaving us as a legacy. Coming down the parkway today I saw a truck carrying waste and papers flittering all over the place. The people who live near the landfill sites, commonly known as dumps, know what it is to have other people's waste filtering across their properties.

What this minister has said is, "No, I'm not prepared to look at anything other than the solution of burying." What she has decided to do and stayed with today is to inflict a landfill site of 40 million tonnes on an area that is the fastest-growing populated area in the GTA and in Canada. "Here's where we are going to have our dumps. Here's where we are going to have our landfill sites," and there has not been any movement on those issues.

I cannot tell you how angry people out there are who have come to this committee in a most responsible way seeking the ear of the government to find a solution other than what it has proposed. I saw that anger in Kirkland Lake, where there was a demonstration the likes of which I have not seen since I have been a member of this Legislature, hundreds of people there coming out talking about Ruthless Grier; they had you in ice in that town on the main square.

Anyway, I am telling you that you have proven that the New Democrats do not know how to listen and have no sense of the deep concerns and passions that people in the province have.

In the meantime, we are faced with two existing sites where you are continuing to proceed without a full environmental assessment: Keele Valley and Britannia. You allow continuation and work on those sites without a full environmental assessment in spite of the fact that your present Premier had made a commitment prior to the election of September 6 that that would never be the case.

Minister, the injustice of what you are putting upon the people of Ontario is such that we have to face up to the new reality of the New Democratic government. Your government has revoked orders on Brampton and Durham for possible sites whereby they would have available landfill

sites. What is going to happen now? We do not know what sites are being considered for the greater Toronto area. Indeed, the parliamentary assistant indicated there could be one in the Metro area itself. We would like to know where they are, yet in spite of the fact that those lists of potential sites for landfill were to have been prepared, they have never been made public, not until after this bill is passed. We find that repulsive.

What this minister has done is break a promise about both Britannia and Keele Valley. We saw that in the presentations from the mayors of those communities. I have a tremendous impression of the presentations made by the mayor of Vaughan, the mayors of King City the region of York and of Mississauga; concerns about the waste of millions of dollars and hundreds of hours of time.

Here is a ministry that at one time said, "We're prepared to look at the site for Kirkland Lake." In a letter of January 22, 1991, you wrote to Chairman Tonks, "Continue to investigate the conceptual design and evaluation of the feasibility of rail haul," so they did it and now you have reversed it. I had hoped that since you changed your mind once, you could change it again, but it is obvious that even with logic, reason and impassioned pleas from people, you are very, very rigid in your views. I am disappointed that this minister has refused to listen to communities, to businesses and to opposition.

With the presentation we have had today, it makes you wonder just how you could be so strong an advocate for environmental matters in opposition and now in government have such a different view. How could you introduce a bill in isolation to the reality that is facing this whole area? It is not a win-win situation for government or people or anyone. You have closed off all effective options and incentives. You have eliminated the consideration of other options through Bill 143 and the amendments you have brought forward today.

If only it were possible to have the levels of government working together with business and the communities to develop coordinated laws, programs and policies with realistic targets to minimize costs and maximize the benefits to society.

All I would beg of this ministry is to consider all options—source reduction, the 3Rs, incineration or energy from waste, landfilling—and develop legislation that will provide a foundation for the future based on a full environmental assessment of what goes on and, if in fact we are wrong to consider some of these views, through a scientific approach rather than a technopeasant approach we would be in a position to understand what is going on.

My motion and the motion from our caucus as we get into consideration of this committee will be that we not proceed with third reading of Bill 143 until we begin to get some of the information we have requested, the initiative papers on the financing of waste management from the Ministry of Municipal Affairs, and until we get something of the statutory authority you are going to be bringing in affecting waste management for Ontario municipalities and, further, until we get the answers to the host of questions that were raised during the hearings of this committee.

What we are doing is proceeding down a road where there is still time to stop, and there may be hope that the members of the New Democratic Party in their wisdom will allow to pass this motion that we not proceed further with Bill 143.

The member for Mississauga South has a point.

**Mrs Marland:** I wonder if the minister would be willing to answer the questions that have been placed to her repeatedly about the Britannia site, the questions that have been the essence of meetings between her staff and the residents of the community surrounding the Britannia site and the meetings involving the staff of the region of Peel in particular.

I also wonder if the minister would comment on the situation for the township of Muskoka Lakes, that is shipping its garbage out of its area into Parry Sound, into the McDougall site. Although there has been a resolution of the district council asking that the township of Muskoka Lakes be permitted to ship its garbage to Huntsville, Bracebridge and Gravenhurst, which have existing sites and existing capacity, apparently your advice, the advice you received from your staff, is to deny that request. As a result, the township of Muskoka Lakes is being held ransom by the operators of the McDougall site because it is the only game in town. There is an incredible increase in tipping fees for the township of Muskoka Lakes at the McDougall site.

I think this is an example of where on the one hand you said it was okay to expand Britannia without an environmental assessment or even an assessment under the Environmental Protection Act, without any assessment whatsoever, and yet here you are allowing the expansion of the McDougall site when the township of Muskoka Lakes has capacity closer to its source of garbage generation in Bracebridge, Huntsville and Gravenhurst.

I think the overall picture is what my colleague the member for Markham has expressed, the concern that there seems to be one set of rules for one area and one set of rules for another, the concern that has been expressed to you over and over about the expansion and the ongoing use of Britannia without a commitment about the time line and the final closure of that site.

The communities around the Britannia landfill site have told you they are willing to have that one-year extension, even though there has already been a one-year extension. In fact, it is two years later than the time that site was designed to close when it originally opened in 1978 with a 12-year agreement; a 12-year agreement, I might add, that not only had the signatures of the municipalities, namely, the city of Mississauga and the region of Peel, but also of the Ontario Municipal Board and the Ministry of Municipal Affairs. In that particular case we have a blatant regression of agreements signed by parties who were and still are responsible to the people in that community.

This legislation that you feel is an emergency is the only option you have because of the emergency and the crisis you are facing. On the one hand you talk about Metro being in a crisis and yet there are two years' capacity at Keele. You are not willing to exempt the township of Muskoka Lakes because you do not consider it a crisis. We

have two totally conflicting situations and I just give you the township of Muskoka Lakes as an example of a contradiction. I do not know whether your staff have briefed you on that contradiction and you are able to fully comment on it today, but I think the people elected to represent that community—the township of Muskoka Lakes—the mayors of Gravenhurst, Huntsville and Bracebridge, are entitled to an explanation about why the Metro situation is being handled differently than theirs.

I still believe the people in the region of Peel deserve at least a commitment about when the final end closure of Britannia will take place and, in the meantime, which of the concessions they asked you for in their list of six in their ultimatum presentation made to you when you appeared in person before those people at the meeting in Mississauga—which of those questions are you willing to comment on and deal with in the affirmative?

**Hon Mrs Grier:** Do I have time for a response?

**The Acting Chair (Mr Beer):** Yes, there is time.

**Hon Mrs Grier:** Let me respond to some of the questions the member has raised. The list of issues raised by the ratepayer groups in Peel that she refers to were raised at a meeting I had with them in my ministry, as well as at the public meeting she and I attended. My understanding is that we arrived at a consensus or agreement on four of them. The difficulty was their request for a firm date as to when Britannia will close for ever. As I explained to them, it will close as soon as we have a long-term site up, running and operating. The two are inextricably linked, so the sooner we can get a long-term site in the region of Peel to service the residents and municipalities of Peel, the sooner Britannia can close. I certainly look forward to their constructive support as we go through that very public process of finding a long-term site. I have been very impressed by their responsible and constructive approach to the issues we were faced with.

The other issue that was not resolved was the size of the site required, or the size of the expansion, I think, as well. Again, to a large degree that is dependent on variables that keep changing, one of which is the amount of waste generated and the other one how long we need to be at Britannia. Our dialogue with those ratepayer groups is ongoing and we have certainly been sharing with them all the information, as has the region of Peel, which has now embarked upon the technical studies that will allow us to know what form the lift will have to take and where on the site the lift will have to occur.

With respect to the region of Muskoka and the McDougall site, I am not up to date on the latest blow-by-blow moves of waste in that area, but I think I should say two things: First of all, I have never denied that, faced with a waste management system across this province which had no logic and was not a system, some short-term decisions have had to be made to deal with individual crises in the best possible way for each decision. Expanding Keele Valley and Britannia falls into that category, as does the decision I took a year or so ago that the city of Kingston's waste would be shipped to Ottawa. Those are short-term, near-term solutions to crises that emerge. In the long term,



we want a comprehensive waste management system that focuses primarily on waste reduction, reuse and recycling, and that requires municipalities to seek long-term sites under the Environmental Assessment Act as close as possible to the source of generation.

With respect to Muskoka, the McDougall site has been a privately owned site to which the region and, I think, the towns you mentioned have taken waste for many years. It was not a very well designed site and our ministry expended at least \$5 million over the last year and a half, I think—

**Interjection:** Just recently.

**Hon Mrs Grier:** —recently in bringing that site into compliance with the kind of criteria we have for a landfill site. Therefore, it seemed perfectly reasonable for the municipalities that had been using it to continue to use it.

**Mrs Marland:** It is leaching.

**Hon Mrs Grier:** The evidence of leachate—the up-to-date information I am not aware of, but certainly in the past it has been a problem, which was why we gave funding to make sure it was brought as close as possible to being a well-operated site.

**Mrs Marland:** But the McDougall site is still faced with a leachate problem and the remedy—apparently two of the alternative sites also have a leachate problem. The point is that the remedy, the cost of the remedial measures to any of those sites, is fair when it is borne over a larger number of municipalities within the district. It is unjust and unfair at the moment to have this compulsory shipment outside their municipality which, as I said, contradicts what is going on in Metro.

**Hon Mrs Grier:** As I indicated to the member, in the short term we have to make the best possible decision in each particular case. We have a legacy of leaching landfill sites because they were not established under a proper environmental assessment process and because no emphasis had been put on trying to reduce the amount of waste, particularly the amount of processable waste, that goes into those sites. As we move forward into a new era and design new sites, our objective through the Environmental Assessment Act and legislation such as Bill 143 for the GTA is to avoid being in that situation again.

With respect to the rest of the province, the changes to the waste management master planning process and the ongoing discussions with municipalities will lead us to a better system in the long term and we will again have to make the best possible solutions for each short-term crisis.

**The Acting Chair (Mr Beer):** I must cut in at this point. That completes the 20 minutes for the Conservative opposition and we will now turn to clause-by-clause.

**Mr Wiseman:** Mr Chair, I move a 10-minute recess, please.

**The Acting Chair (Mr Beer):** A 10-minute recess. Is there any objection?

**Mr Sorbara:** Could we have a little explanation?

**Mrs Marland:** Yes, could we have a little explanation? If we ask for a recess, there is a reason. It is usually

to call your members. I notice all your members are here today.

**Mr Wiseman:** We would like to have a moment to caucus to discuss some issues. We have just been given a notice and we would like to have the time to discuss that.

**Mr Cousens:** In that case, I would be pleased to support it. If they are considering that, can we make it 20? Can we make it for the rest of the day?

**The Acting Chair (Mr Beer):** We will have a 10-minute recess. My clock—and I should note that this is the clock I am going by and which the clerk will follow—says 3:05, so at 3:15 we will reconvene.

The committee recessed at 1505.

1523

**The Acting Chair (Mr Beer):** Before we get into the clause-by-clause I would like to remind members of the committee of the agreement reached by the committee in February, and to note a few things I will be guided by as Chair as we go forward. First of all, members will recall that by order of the House we will begin to vote on all the various amendments which will have been made as of 4 o'clock this Thursday, even if we have not had an opportunity to discuss some of them. There was agreement that as of 4 o'clock we would do that. In addition, any amendments that have not been submitted to this point must be handed in by 5 o'clock on Wednesday. That was also included in the agreement set out in the House.

With respect to the clause-by-clause, I will be making a list of speakers as you indicate you wish to speak. There is no time limit; there is no particular order; members may speak more than once on any particular item. That is the procedure in dealing with clause-by-clause. There will be a meeting of the subcommittee at the end of our session today, if members wish to put forward any other approaches, but that is the normal way clause-by-clause is handled. I just wanted to set that out before we begin today, as we now proceed to clause-by-clause.

**Mr Cousens:** I have a motion I would like to place before the committee that I referred to in my earlier presentation.

**The Acting Chair (Mr Beer):** Do you have that motion, and has it been submitted to everyone?

**Mr Cousens:** It has been supplied.

**The Acting Chair (Mr Beer):** Mr Cousens moves that the government, given that the Ministry of the Environment has not released their promised initiatives paper on the financing of the waste management system, and that the Ministry of Municipal Affairs has not released their promised paper on statutory authority regarding waste management for Ontario municipalities, not proceed with third reading of Bill 143 until the aforementioned papers have been released for consideration and consultation with Ontario municipalities.

Is there any discussion on this?

**Mr Cousens:** I would like to speak to it, Mr Chairman, unless the minister is in a position to give us some idea as to when these papers are going to be brought forth.

**Hon Mrs Grier:** I think the issue before us is whether or not we defer the legislation. I would be happy to hear Mr Cousens's argument about that and then respond.

**Mr Cousens:** Over the past several months we have had an opportunity to consider waste management options for Ontario, in particular as it deals with the greater Toronto area. Through some 200 presentations that have been made to our committee, it has become very clear that there are many concerns regarding the disposal of waste.

An awful lot of what has to be done really requires leadership, which is now being assumed by the Ministry of the Environment and taken away from the municipalities. Now the ministry itself, through the Interim Waste Authority, will be the responsible body where decisions will be made.

The legislation we have before this House and before the committee has far-reaching implications. I have to comment briefly. Carman McClelland, the Liberal Environment critic, was talking today. He brought out again just the way in which this bill is taking away the rights of municipalities and regions: rights of appeal and rights to full environmental assessment on different things under the Municipal Act and the regional acts. This legislation is really draconian. It is a term we have all used on the opposite side of the table with regard to this bill.

I think a large part of the bill is based on powers the ministry is now going to impose that drastically remove rights previously enshrined in other legislation and through history in Ontario. The ministry is making these moves without consultation and without involvement and in breach of the terms of reference it gave the public before it was elected. Before Bob Rae and his government were elected on September 6, 1990, they made very clear where they stood on key environmental matters. Now that they are in power, they are able to reverse those positions and consequently give short shrift to the views other people would have.

These are the concerns that mount and mount and cause a large number of the 200 people who came in grave concern about where this government is going. I think you are seeing a malaise out there where people no longer have much trust in or respect for government at different levels. As a result we see that the government will do what it wants when it wants without regard to what was necessarily said before.

How then are we, a committee, in a position to proceed with this bill if we do not have all the facts before us? I and Margaret Marland have asked unsuccessfully for information on previous occasions. There were a number of instances in which that came through. We wanted the possible landfill sites being considered for the greater Toronto area. They were originally to be tabled before the House in December and I have not seen them yet. Mind you—here is the surprise—maybe they have been released and I just have not been given them.

As I said earlier to one of the minister's staff, the ministry came out with a task force report on tire recycling last week. Maybe the minister can confirm that it was. The fact of the matter is that I did not get my copy until my staff phoned the Ministry of the Environment today. The

Ministry of the Environment did not have the courtesy of sending me a copy of the report of the task force on tire recycling. I had to ask for it today. The media had it before I did.

Maybe the ministry, in its own stupid wisdom, is sending out information I do not get. As critic for the Environment, I get furious at the fact that the government does not even give us the facts that are made public elsewhere; I have to find them from other sources. Who knows what this ministry has done in making announcements where landfill sites are going to be? It is utterly ludicrous and ridiculous. It is unacceptable. If you had been a Minister of the Environment critic back several years ago and you did not get information, how would you feel? You would be angry. I tell you that as your government's critic for the Environment, I do not get the information. Who knows what is going on there? You sure do not tell us. You cut us off. That is unacceptable.

1530

Therefore, who is to know what has come out of your ministry on the selection of landfill sites? I have no sense of knowing where they are or what you are doing. It was promised that those sites would be made available back in December. We still do not know where they are. I can tell you this much: The people who live in the greater Toronto area would like to know where this government plans to place those sites.

During the standing committee meetings we have spent a considerable amount of time raising a number of questions of the ministry with regard to certain key issues. One was on January 23, when I asked the ministry to give us "a cost-benefit analysis of the bill and whether or not it shows that you are going to be making money or losing money. I want it to be proven by the numbers," I said. What I asked for is the cost justification to this bill. In order to proceed with the bill, one would want to have that economic analysis.

What we have here now is far less than an economic analysis. I really wonder where the ministry got it and when it prepared it as it relates to this whole bill we are now discussing and debating. If in fact there was some sense that it was reviewed and considered prior to the introduction of the bill, then we might have a sense that the ministry really knew what it was doing. That is why I use the term "technopeasant" when I refer to the way in which the ministry acts on some of these things. If in fact you are going to proceed with important matters, one would expect you would take at least a business approach as well and try to work out the economics of the whole thing and understand that there is some way in which you can deal not only with the environmental concerns that are absolutely imperative and that we as elected officials deal with, but also with the economic realities that go into it. Somehow or other they can work in harmony and balance together.

What has happened with the review of Bill 143 over the last number of weeks is that there is no sense that the government has ever really taken the time to look at the economic reality of it all. I saw that, and Margaret Marland, the member for Mississauga South, and I spent some time talking about when we were in Kirkland Lake. In fact, in Kirkland Lake you had a situation where people



came forward and brought in a number of recommendations on how they could generate jobs within their community, how they could reactivate a railroad that was otherwise dying and how they could tie in a solution up there with the situation that we have.

Yet for some reason, in the narrow view of the ministry there is no willingness to look beyond the issue to say: "There's an economic benefit and here's the way we can handle it in a sound, realistic way. Let's not make the decision ourselves. Let's put it through for a full environmental assessment and let someone else who's got the scientific background and the thinking that goes into it see whether or not the idea is truly feasible." There was no environmental assessment. In fact, what has happened is that the ministry and the minister have decided not to proceed with it. That is an example where you look for an economic benefit and an economic analysis tied into the kinds of wishes that are being brought forward.

It was rather surprising as well, when you deal with the people in Kirkland Lake, that the people who were opposing the landfill site had been able to gain access to the ministry and the minister, but those who were involved as elected officials within the community could not gain access to Mrs Grier. Why is it that the one group that is opposed to it gains access to the ministry, and others who are elected to represent the people could not gain access to her? The minister has not even been to Kirkland Lake recently during this—unless she has; I do not have her itinerary. The fact of the matter is that there was some concern raised at the hearings that the minister had not been present.

I am dealing with economic analysis. You cannot separate environmental thinking from economic reality. Somehow the two come together. Fundamental to them all is this building of trust as you try to work out a way in which you are going to handle the future. That is where the government is able to come forward and say: "Here are our papers. This is the look of the future and how the government is going to deal with these matters."

We have a government initiatives paper on waste management. Where is it? What does it say? What impact is it going to have? How is it going to relate to the whole concerns that are part of Bill 143? How do we, as members who are going to be voting on Bill 143, know how it interrelates? We do not have that information. We came along and asked the Ministry of Municipal Affairs what it needs for statutory authority regarding waste management of Ontario municipalities. What we are really saying is, where is it? It is not there now.

Prior to December 19 the minister said it was urgent, imperative and essential that Bill 143 pass through third reading and royal assent in the House prior to our rising. Thank goodness, the Liberals and ourselves sat back and said, "Is the world really going to cave in?" I saw the minister shaking her head earlier when Mr McClelland was talking about how essential it was. "Did you want to see garbage on the streets of Mississauga if you didn't get this passed?" There was a sense of great worry being created, and yet in our wisdom we were able to say there is far too much involved to allow this bill to be passed

rapidly and quickly. When the House was sitting on December 19, we were able to convince the government at the last minute to allow three weeks of public hearings and this one week that starts now for clause-by-clause consideration of the bill.

One part of it is that at least the ministry has come forward with a number of amendments. You indicate in your press release 25 amendments. That means it was not perfect on December 19; 25 amendments since then shows that there was at least some level of listening; not as much as I hoped for, but there was at least a modicum of listening that went on in the three weeks. If we sat for nine weeks maybe we would get 75 amendments. Then we might come closer to where we really want to be.

Though my motion may be seen by some as saying, "There he is again trying to slow it down," I am saying that if we are in a position to obtain more information on the way the ministry is going to deal with this bill through other papers that can be tabled and released, it will allow consideration of the bill to be far more meaningful and it will allow us then to have more confidence in what is going to happen.

Bill 143 is one of the most important, in fact the only environmental bill that the minister has brought forward since she was made minister in October 1990. So it is important, since it is still not right and since the facts still are not on the table, for us legislators to give it a little more time. I am prepared to give it as much time as is needed to help make it the kind of legislation we really need.

We in Ontario are at a stage where it would appear that we have to be adversarial in everything we do. I have never felt less involved with the legislative process, because unfortunately it is a majority government. I say unfortunately it is a majority government. On September 6, 38% of the population of Ontario gave the New Democrats the power to become the government of Ontario. Those are the kinds of dreams politicians live on, because you never know what is going to happen in the next election. I can guarantee the New Democrats opposite that there would have been far more accommodation on this bill than has been shown so far, because in a minority government the government does not want to take a chance of alienating everyone, or the majority or a large group, and so there is a certain amount of compromise that builds in.

The amount of compromise we see in the amendments and the presentation by the ministry today is so minimal it makes a mockery of the whole process we are fighting so hard for. It is not a matter of just wanting to sit longer here in committee. I realize there are other things to be done in life than just Bill 143, but I am prepared to spend as much time as is required to see that we come up with a bill that really rationalizes, understands and finds the balance we are looking for. Since it is not there now, and since the evidence I present is that the papers we are looking for, the answers to the questions we are looking for, the whole rationale behind it is not there, can we not postpone further consideration of Bill 143 until such time at least as those papers are tabled in the Legislature and there is more debate and discussion with other municipalities?

1540

Now I present this motion. I am appreciative that Mr Wiseman of the New Democratic Party has caucused for 10 minutes to ask that there be consideration. That was hope; the fact that you were able to take 10 minutes out to think about it really was something that was good. I hope it was enough time to get you started in the right direction, Jim, so we can step back from this bill for the time being and come back to it when all the information we have requested is made available.

**Hon Mrs Griër:** I made note of a couple of items Mr Cousens addressed that I think are not directly related to this amendment. Let me just apologize to him if the report of the scrap tire task force was not sent to him quickly. It ought to have been. That is a standing instruction in my ministry, and I will inquire and make sure that happens in the future.

With respect to the issuance of the long list of sites, I do want to correct the record, because I think Mr Cousens said that in December I felt it was urgent to get on with this bill and get the long list of sites out. That is indeed the case, and it is still the case. We heard from his colleague Mrs Marland the desire of people in Mississauga to know when Britannia would close. As I indicated in my response to her, Britannia can close when we move to get the long-term site operative, but the list of potential sites for new landfills cannot be completed until the legislation is adopted. Work on that list was suspended when it was decided by the Legislature we would go into hearings and have third reading of this legislation postponed until the new session.

I can assure the member that once the legislation has been passed work will begin again, and I hope the list of potential sites for long-term waste disposal will be released as soon as possible thereafter. Let me assure him that I think it is highly unlikely he will miss that release. I would suspect there will not be very many people within the GTA who will not be aware when that list comes out, and I am sure he will know about it.

The other point I want to make in respect to his comments about the number of amendments we have brought forward is to assure him that the number of amendments is in no way related to the length of the sitting of the committee but rather to the substance of the argument presented to the committee.

With respect to the motion that is before you, Mr Chair, I think we did make available to Mr Cousens a week ago the amendments put forward by the government. Bill 143, the Waste Management Act, is the first time the Legislature has had an opportunity to debate waste management. As a result, as this committee has heard in its hearings, for the first time people have come before the committee welcoming the opportunity to make presentations to a committee of the Legislature about all aspects of waste management.

As I said in my opening remarks, there was a wide range of opinions, some reflecting issues that were not addressed at all by this bill and some addressing issues about which there had been misinterpretation of the elements in this bill. This bill is not designed to be the be-all

and end-all of the waste management system for Ontario. It is a very good start and there will be more coming, whether in the form of legislation, regulations or policy decisions taken by this government.

As we have both drafted the bill and dealt with proposed amendments, we have always wrestled with trying to make this bill answer all the questions that have been posed, recognizing that this bill has a very specific purpose: to deal with waste management issues within the GTA, and to put in place in section 4 those elements of waste reduction that are necessary to allow the entire province to get on with at least making a beginning of waste reduction.

The argument Mr Cousens makes that a number of people coming before the committee were concerned about the ultimate financing of the waste management system is a valid one. We heard that from the private sector, we heard it from municipalities, we heard it from individuals.

Financing of waste management is also going to be an extremely contentious issue. The whole question of flow control, which is the buzzword for who has responsibility for deciding where waste goes and thereby controlling the revenues, whether in the private or the public sector, is one which is not going to be easily resolved.

In the amendments we submitted a week ago, which I think Mr Cousens has, was one related to clause 33(2)(j) of the bill. That section reads that the EPA is amended by adding the following clause:

"(j) governing the manner in which municipalities carry out the financial management of their waste management activities, including the manner in which financial information is to be communicated to the public."

This was the clause that I think was of concern to Mr Cousens and this was one of the clauses I had indicated in my comments would be deleted, precisely because of the need to have a broader debate about the financing of the 3Rs. Therefore, the initiatives paper referred to in Mr Cousens's motion is precisely a response to that concern and a substitution for subsection 33(2).

In effect, what we have done is deleted from this bill debate on the financing, in acknowledgement of the fact that there needs to be a broader province-wide discussion. The first step in having that discussion is the consultation paper which will be released later this year. I would certainly submit that this legislation should not be deferred but in fact should be moved ahead, and that it does is not in any way preclude an open and totally unbiased debate on the financing when the initiatives paper comes forward later.

**The Acting Chair (Mr Beer):** Mr Wiseman, Mrs Marland and then Mr McClelland.

**Mr Wiseman:** I will pass.

**Mrs Marland:** That is unfortunate. I was looking forward to hearing from Mr Wiseman because he represents a riding that has a tremendous controversy raging in it about landfill sites and the treatment of waste.

**Mr Wiseman:** I think in the near future and over the next few days, I am going to have ample opportunity to



put on the record the apparent change in position of the Conservative Party and its stance on the P1 landfill site. I really do not need to do that at this time. I think the minister is answering the questions about this bill extremely well and in the future we will probably move into the debate.

I know my constituents are well informed and completely up to date on the issue of landfill and the fairness and equity of the system. They will recognize and remember that P1 was chosen under an EPA that did not go through the Legislature, did not have any legislation, had no opportunity for debate and at no time was it ever going to be considered not a landfill site. I think my constituents know where I stand on this issue and they will hear from me again in the near future.

**The Acting Chair (Mr Beer):** So you are not going to comment at this time?

**Mr Wiseman:** No, I will not comment at this time.

**The Acting Chair (Mr Beer):** Right. I just wanted to make sure I understood.

**Mrs Marland:** In speaking to the motion put forth on behalf of our caucus by Mr Cousens, the member for Markham, I might say I think perhaps Mr Cousens commended the government caucus a little prematurely when he said, "Well, wasn't it great that they had 10 minutes to caucus to find out what to do about this motion." Obviously their 10-minute caucus did not bring forth any worthwhile comments because now they are not even wishing to speak, but at least now they are taking 10 minutes to caucus rather than having the little runners coming up with the notes that previously have told them what to say. Anyway, we will look forward to when they discover they have something to say and when in fact they say it.

1550

Probably the truth is that the government members are as embarrassed as they should be about Bill 143, which is why this motion is so significant and so important. The irony about Bill 143 is that it is probably a personal irony for me, because while I was the Environment critic for three years for the PC caucus, the minister was Environment critic for the NDP caucus. During all the time that Mrs Grier and I shared the same platform and for the most part the same reaction to any number of issues the Liberal government did not deal with in terms of the environment, she and I agreed wholly. We supported each other on private resolutions and private bills to do with the environment.

I would suggest that Bill 143 is an absolute contradiction of the minister's own environmental bill of rights. If she were to try to bring forward her environmental bill of rights, which she spoke so eloquently about in the Legislature when she was in opposition, it would be a total contradiction of what is happening under Bill 143.

There is one thing I will concede to the minister. Madam Minister, there is no question you inherited a mess. After five years of the Liberal government, of inaction in the case of dealing with an escalating problem, of lack of waste management in this province, you did inherit a mess. But having said that, it then took you more than a

year from when you were sworn into office to bring forward a bill.

This is the bill that is before this committee today and this bill in fact is not a solution; nor is it, I would suggest, a direction that, as the Environment opposition critic, you would have supported. I have heard you from time to time quite eloquently apologize for some parts of this bill. You are saying: "It's not perfect. It's not a perfect world. It's not what I really would have wanted given my druthers." Is that not your word, Madam Minister? I have heard you say "druthers."

**Hon Mrs Grier:** I am sure on occasion I have used the word "druthers," Mrs Marland.

**Mrs Marland:** When you say if you had your druthers, I do not know the origin of that word, to tell you the truth.

**Hon Mrs Grier:** It is old Anglo-Saxon.

**Mrs Marland:** I would think with the concerns you have had towards the environment and in particular towards the rights of individuals in the preservation of the environment, this bill must make you positively ill. When you say if you had your druthers, it is not what you would have wanted but you have been placed in this position and then with all the other conditions, you have had no choice but to bring forth this bill. I am afraid it is impossible for me to understand, having had all the high standards you had in terms of the rights of individuals, the rights of municipalities, the rights of elected people within those municipalities to represent the viewpoint of the people who elect them.

I may say, further to my colleague the member for Markham's comments about the Kirkland Lake issue, the irony was that I did not know until I visited there that it is not just something some big business operator has come up with about filling this huge open-pit mine which is a tremendous blight on the landscape. It was not some wealthy entrepreneur-developer who thought, "I can make a bit of money out of garbage"; it was actually the people in the community who wanted that process to be evaluated under an Environmental Assessment Act.

It is so significant up there that in the municipal election which took place last November—in the midst of this bill being before the House, by the way, so it was not as though it was a municipal election a year ago or two years ago when people did not know what the issue was—in the midst of that municipal election the people elected spokespersons for them on the municipal councils who supported going for a full environmental assessment into the use of the Adams mine site, this open pit mine, for garbage. The city, town and local hamlet councils, the elected representatives, who opposed going to a full environmental assessment hearing on that process were defeated. There were whole councils that were acclaimed and there were members of other councils who were elected on the basis that they supported at least looking at that option through a full environmental assessment, which this bill does not leave as an option.

How ironical if this government chose to ignore elected people because it thought that perhaps some

elected people had ulterior motives or if in fact it might say some elected people did not speak for the people within a community. When you talk about a host community in the area of Kirkland Lake, it is not just one community. There are seven communities in that area that want this option looked at. Is it not ironical that if this government decided to disregard the municipal officials, it does not listen to the people who live in those communities who want the business, who want the jobs, the people in North Bay who want to build the railway cars, the taxpayers of this province who would like to see the Ontario Northland Railway make some money for them through the use of rail cars on that railway to Kirkland Lake, all of the tremendous boost that concept could possibly be to the economy of northern Ontario, notwithstanding that there would be a full environmental assessment first? That is all the people have asked for. They have not said, "Okay, ship us Metro's garbage." They have said, "Let us have a full environmental assessment of what would happen if we put Metro's garbage in this enormous open-face mine."

This is the same minister who in the past has fought. She fought, as a councillor for the city of Etobicoke, on a number of issues where we sat on the same committees as municipal politicians. She fought, as opposition critic for her party, for the rights of individuals to be heard, for the wishes of individuals to be carried out responsibly by their elected officials. We have a situation with Bill 143 where none of that matters. Suddenly everything that I felt she believed in, and certainly I believed in, is thrown out the window.

I just want to give members three examples of where either the minister's staff are not advising her fully or the minister's staff really do not understand what is going on. I concede that the minister does not write, or can or is expected to write, any or all of her letters. That is not the point of what it is I want to raise here. The fact is that this ministry is sending out mixed messages all around this province on the issue of waste management. Bill 143 is only going to make the whole subject more complex and more unbearable for the people who live in Ontario.

1600

On January 31 of this year, over the signature of Ruth Grier as Minister of the Environment, a letter went to Frank Miller. This letter defies logic and is full of contradictions. I just want to give you three examples, because if this kind of thing is coming out from this ministry now without Bill 143, all I can say is we might as well throw in the towel because after Bill 143 nobody will have a clue what is going on if this kind of thing is happening today.

The minister wrote that a second approach to the problem concerning Muskoka Lakes' lack of a landfill site is to have recipient sites elsewhere in the district apply under the EAA and EPA to amend their service borders, even though the mayors said that the process would be "onerous, especially for a service border amendment."

The next thing is that the minister will not grant an exemption to allow Muskoka Lakes' garbage to go to another site within the district of Muskoka, but she writes, "Your municipality has been very successful in the areas of waste reduction, reuse and recycling which is all the

more reason why waste from Mukskoka Lakes should be managed within your municipality." That is what they are asking for and she is saying two different things in the same letter in response to it.

Finally the minister writes, "In my recent correspondence to the district office, I indicated that we would be willing to consider a request for an exemption from the Environmental Assessment Act," but earlier in the same letter she said, "I am unwilling to deal with the situation under the emergency provisions of the Environmental Protection Act."

Minister, I think this letter of January 31, 1992, to Frank Miller is a letter that you personally should review or have your executive assistant review, because a letter that contains three examples of tremendous contradictions within the same letter—in fact within the same paragraph—only leads to further endorse the concerns that the critic for the Environment for the PC caucus has. The reason Mr Cousens has those concerns is because he knows those examples I have just given you are examples of what is going on around this entire province. Bill 143 will not be the solution.

It is not that with this motion we are looking to defer a solution. Goodness knows, we have been sitting in opposition for seven years waiting for the almighty you-know-who Minister of the Environment, whether it was Mr Bradley before for five years or Mrs Grier now for a year and a half—we have been looking for a solution but we want something that will work, will be equitable and will not just add to the confusion and the anxiety of municipalities around this province to deal with a responsibility, by the way, that is still theirs when it comes right down to it, because although the powers are being taken away from the municipalities with Bill 143, the costs are not.

It is you and I, Mr Chairman, and the 10 million people around this province who contribute in one way or another to the cost of government who will in fact be carrying the cost of Bill 143. The sad part is that while there will be increased costs to the management of waste, there will be no increase in the solution to the problem. It is absolutely essential that this motion be supported by this committee so that we can come up with a piece of legislation that, while protecting the environment, plans for the disposal and management of waste in this province once and for all with safe parameters and guidelines.

**Mr McClelland:** The motion brought forward by Mr Cousens raises and touches on a number of interesting points. He is asking specifically that the bill be delayed pending the release of two initiatives papers, one being on statutory authority regarding waste management for Ontario municipalities. One of the great and repeated concerns raised by municipalities throughout the course of public hearings on Bill 143 has been touched on by Mrs Marland.

Just to recap, that is as follows: Bill 143 sets out a scheme where for the most part, notwithstanding the fact that it says it is for only the greater Toronto area, the implications are there that it could in fact touch all municipalities across the province, so every municipal government in Ontario is concerned about this. It says that the



Minister of the Environment, whoever he or she may be at the time, will reserve unto himself or herself tremendous power and tremendous authority to, among other things, dictate policy that then must be implemented and carried out.

They are asking, where is the mix of legislation? How does it shake down when you have legislation that is apparently in conflict even within the scheme of the act? Bill 143 says we recognize that from time to time there will be conflict with statutory authority that exists. It recognizes that the Municipal Act may be overridden. It recognizes that the Ontario Municipal Board Act may have to be overridden. It also goes on to say if there is any other act or any other regulation that gets in the way, we want to reserve unto ourselves at the Ministry of the Environment the opportunity to override that. I think that is why municipalities are saying, "Tell us what the statutory authority regarding waste management is going to be, not only within the context of Bill 143, but all of the other acts that are not as a result synchronized or in harmony."

Indeed, the recently released Environmental Assessment Board decision with respect to Orillia raises that very question. It asks what acts are going to take precedence. Orillia has taken the position of appealing to cabinet and saying to cabinet, "We want you to override recommendation 20 in the Environmental Assessment Board decision, because it leaves the question wide open." The Environmental Assessment Board says in one of the recommendations that you can only use tipping fees on waste management operations and not on other city projects. Orillia then asks, "What is the future going to hold for us?" Indeed, it is asking that question. They are asking it for every municipality across the province. What is going to be the statutory authority, the scheme of various bodies of legislation?

Bill 143 does not stand in isolation. Bill 143 recognizes that. It recognizes it specifically, among other parts, in section 17, which sets out the number of acts that have to be deemed not to apply in order for Bill 143 to have efficacy. Therein lies a great concern for municipalities. We heard a number of municipalities—mayors and chief executive officers and waste management people involved in committees of waste management—saying, "Bill 143 sets out a scheme, tells us in many cases what to do, how to do it, but leaves us with the job of picking up the tab." Now we have a situation where they are picking up the tab and may even be restricted on how they spend the money they collect. That raises obvious concerns; similarly, the financing of the waste management system. They are obviously interrelated.

I understand what Mr Cousens is doing here. What he is saying, in effect, is that Bill 143 is a patchwork solution to a problem. It recognizes that there is a problem in and around the greater Toronto area, but then the implications spill over to the entire province. It leaves people wondering. There is no certainty. There is no scheme legislatively in which people can operate and make plans. It does not provide them the opportunity of doing their long-range planning and acting accordingly.

Not only that; if they try to plan, they do not even know under what scheme they are going to advance those plans. Will it be an environmental assessment process? Will it end up being a process somewhat similar to Bill 143, as is the case for the expansion of Keele and Britannia, where the minister will just say, "This is what will happen," where policies are given the weight of law, according to Bill 143, where whoever that minister is—I say with a great deal of respect that Mrs Grier as Minister of the Environment has a track record that indicates that she is very much committed to the wellbeing of the environment. She sets that as a priority.

I have said, and I say again, that Bill 143 certainly calls that into question in many areas. We have enumerated those and doubtless they will be enumerated over the course of this clause-by-clause, but what Bill 143 does as well is to say that much is left to the whim of the minister, whoever he or she is.

1610

I made a comment in Kirkland Lake, with no disrespect to my friend Mr Cousens, to somebody who said, "Bill 143 is great stuff because it gives the minister all kinds of authority and we like Mrs Grier as Minister of the Environment." What if, God forbid, Mr Cousens or myself should end up as minister? I do not know what I have ever done wrong that such a thing should happen.

Interjections.

**Mr McClelland:** We hear all the groans from the government, but think about it. Mr O'Connor and my friends opposite laugh about it and they groan, but therein lies one of the great weaknesses in Bill 143. It reserves unto a minister, whoever he or she may be, of whatever party may be in power at that point in time, tremendous authority to dictate policies that then must be implemented. That is not the kind of certainty that Ontario with our British parliamentary system prides itself on. One of the tasks of legislators is to write law with certainty, not to leave it open to "what ifs" and what may happen in the future or what may come to pass down the road.

I understand very much the sentiment that underlies Mr Cousens's motion. He is saying that Bill 143 adds uncertainty upon uncertainty and leaves open the prospect of municipalities depending on the goodwill and the positive products of negotiations, discussion and consultation. At the same time, though, municipalities and citizens across this province are saying, "We've heard that story before."

I will tell you something a little anecdotally that may illustrate the point. When we were in Sarnia, there was a gentleman who came to me who actually works for the Ministry of the Environment. He said: "Sometimes I have noticed on TV during the debates on Bill 143 that you appear to get angry. You shouldn't do that. Why are you upset? Is it because the government has broken its promise? Is it because this minister has done a 180 in terms of some of the commitments she made prior to the election? You didn't really expect her to keep her promises, did you?" That little exchange with that gentleman in Sarnia was sort of the kernel of what is so frustrating about this

experience. It calls into question the whole integrity of each and every one of us who is involved in government.

When I was one of a number of people who met with the ratepayers in Britannia, they raised the same question. They come to a point and they say: "We are so frustrated and we have such a disregard for people in public life. It is not only because of Bill 143, but Bill 143 represents exactly the type of conduct of government that breeds the cynicism we are expressing. We have a Premier who said he was going to be different, who said that you should expect more from your government officials, that you should expect more from people, that when they give their word, you should be able to count on it."

Then those ratepayers say: "Here we go again. Time after time we believed this government would be different, and it's not. It's worse." It is worse because they held themselves up as being somehow more self-righteous and more committed to environmental integrity and a sense of people participating than any other government. Now when they get in power, they do just the opposite. That is why people are angry. That is why municipalities too are saying, "We don't know where we're going with this."

I understand the sentiment of Mr Cousens's motion. I would say that there are parts of Bill 143, particularly substantial parts of part IV, that I think are very laudable. As we travelled across this province for that one week on committee and heard people who came here, time and time again people would say, and it was again indicative today in the minister's statement, that this bill is about waste reduction, this gives the opportunity to reduce waste, and we need to have legislative authority to do that.

Yes, Bill 143 does do that, but that is not what Bill 143 is really all about. That is a part of Bill 143; it is only one part. For the people who are observing these proceedings, I want to remind them, and my colleagues here, that when we are voting and when we are talking about Bill 143, we are talking about very much more.

I come back to the opening comments that were made earlier. We are talking about basic principles, and the minister herself said she wanted to maintain the basic principles contained in Bill 143. Some of the basic principles of Bill 143 are that it overrides existing legislation, that it overrides agreements made in good faith, that it says to people, "We know best," that "I"—whoever the minister is—"can dictate the solutions because we have the answers, and I'm sorry we made promises before but we're not prepared to keep them." Those are some of the basic principles of Bill 143, and that is why I agree with Mr Cousens's sentiment that really it is indefensible.

In the final analysis, Bill 143 as a package cannot stand. There are aspects of it that are good; it would be foolish to suggest otherwise. But by and large it is inconsistent; it is contradictory within its own terms. It says on one hand that you cannot ship across municipal boundaries, but on the other hand we want to reserve the right to order that it will be shipped.

I have considerable reservation about supporting Mr Cousens's motion, because I do think there are parts of Bill 143, particularly parts of part IV, and I emphasize only parts—I think there need to be a significant number of

amendments within part IV. But I would reluctantly be prepared to support Mr Cousens's motion simply to emphasize the point that I think we have tried to make and that countless dozens upon dozens of people have made across this province, that Bill 143 is fundamentally bad legislation and it needs to be rethought and reworked. It is a Band-Aid solution. It is an admission of failure. It is an attempt to solve a long-term problem with a crisis management type of response. We cannot afford to do that. There is too much at stake here.

We need a comprehensive, well-thought-out solution that is integrated with municipal authorities, with municipal governments. Accordingly, since Bill 143 does not meet that test in any way, shape or form, I would reluctantly have to agree that Mr Cousens's motion makes a lot of sense. Bill 143 basically has to go back to the drawing-board and be reworked.

**Ms Haeck:** I wanted to take a few moments to lend some perspective to Mrs Marland's comments in relation to Kirkland Lake. I think it really behooves us to have a balanced perspective because, while Mrs Marland alluded to municipal officials coming before us and to some previous municipal officials who may or may not have been in support of the Adams mine site being defeated or elected in the November 12 municipal elections, the reality is that we did have a range of individuals who represented nine unorganized townships that surround Kirkland Lake and the two other smaller communities who felt they had a stake in the Adams mine site.

Those unorganized townships felt that Kirkland Lake in particular was running roughshod over their rights as townships, over their rights to express their viewpoints in a referendum in which they were not included. During the day we were in Kirkland Lake, they had made it quite clear that they found Kirkland Lake's position quite reprehensible in light of the fact that the rail line that would conceivably deliver these millions of tonnes of garbage does not even terminate in Kirkland Lake. They are not affected by this increased rail traffic, the noise, the garbage or anything of this sort.

The fact is that the Adams mine site is located on one of the north's largest aquifers and any pollution of that would obviously contaminate the waters far beyond strictly the Adams mine site. The people who live in those unorganized townships feel very strongly that the kinds of tactics that have been used, particularly by the Kirkland Lake municipal council, are, may I repeat, highly reprehensible and dictatorial. They do not in any way represent their view or provide them any kind of security or rights.

1620

I think it really requires a balance, requires us here to be clear that there were two citizens' groups that came before us and that they had those views, they continue to have those views, and those discussions are going on probably as we speak. It is obviously very worthwhile for all of us as legislators to promote those kinds of discussions, but we have to promote them on both sides of the questions, which I think, from the comments that have been made so far, have been very one-sided.



**Mr Cousens:** I was going to make some other comments and questions, but in response to the comments made by Ms Haeck on Kirkland Lake, I would have to say that it would appear she has been to a different site than I was at.

When she points out that the Adams mine site is on one of the largest aquifers in that part of Ontario, that is something I really would begin to question. When she starts to talk about where the rail is going and the concerns, I would raise the question, "Did the ministry or someone from the government in fact ask Ontario Northland not to make a presentation with regard to the Adams mine proposal for shipment of waste out of the GTA?" Because it was rather obvious that Ontario Northland was not present at the hearings and it was told to me by sources that it had been asked not to participate.

That just raises other questions about the Adams mine. For the honourable member to say that the Adams mine—you are talking about Boston township, is it, and some of the other townships that are particularly there; you are looking at a whole regional area that has a composite number of communities—and that the major groupings of the people within that area have been supportive of this—I do not think for a moment that anyone has suggested we proceed on Adams mine per se without a full environmental assessment.

**Mr Sorbara:** That is right. No one has ever suggested that.

**Mr Cousens:** Absolutely not, and I thank the member, Mr Sorbara. What a crock. Anyone that is going to come along and say that is the site—that is the very position that God should take on it, and what we really want to do is leave options open through this bill.

**Mr Sorbara:** Or, to interrupt the minister, in respect of Keele Valley.

**Mr Cousens:** Keele Valley is very much the same, the way the minister is the one standing aside and saying this is the way it has got to be. I resent the fact that we have an honourable member who was at the same site—in fact, there are pictures being circulated that were taken of the event which show us up there at the time—and I do not feel I was at the same place that Ms Haeck was just talking about. The kind of presentations that I saw and what I heard lead me to believe we have more of a willing host—it is not 100%, but there are enough people that are saying, "Let us at least be considered for it."

That is really what this bill is all about. The bill precludes future consideration as long as this government is in power and you all have your seats and I have my seat. Who knows what is going to happen 1400 days from now when the province has to come up for another election?

**Mrs Marland:** Bye.

**Mr Cousens:** There will be a chance for the people of Ontario to consider other ways of doing environmental business, and that is really the question here. Through Bill 143, you are making long-term decisions that have very short-term implications as well.

**Mrs Marland:** It has happened before. Ask the Petersons.

**Mr Cousens:** Well, Margaret, do not get them all upset. It is not feeding time yet.

There are a number of other points I wanted to raise that have to do with some of the comments the minister made, and I appreciate the fact that Mrs Grier is here this afternoon.

We have the initiatives papers that have been released; we have Initiatives Papers No 1. I would like to ask the minister what the status is of the production of future initiatives papers from your ministry and when we can expect to see them. I have been led to believe that they are ready to be released. If that is the case, would it not be possible for the ministry to release them now, through the discussions—I can tell that my motion is not going to carry—through the debate that we have this week, just to see what they will do to implement this legislation?

**The Acting Chair (Mr Beer):** Would you like the minister to respond to that now?

**Mr Cousens:** If the minister could respond, I would be most grateful.

**Hon Mrs Grier:** I am happy to respond to that, Mr Chair. As I indicated in my initial remarks on Mr Cousens's motion, the issue of the financing is now no longer going to be part of this legislation. I too had hoped to have those initiative papers out prior to this week's discussion of clause-by-clause. One of them is being produced by my ministry, and the other is, as I indicated earlier, a cooperative effort between Municipal Affairs and the Ministry of the Environment and a paper that was worked on with the Association of Municipalities of Ontario. One of the realities of life is that when it is interministerial, it takes longer to produce than when it is your own. We may well have them by the end of this week or early next week. It had been my hope to have them out some time in March. That was always the target date.

**Mr Cousens:** Could you give us some overview of just what they contain or the direction that they have, the objectives of those papers?

**Hon Mrs Grier:** The objective of the waste management master planning paper is to look at the waste management master planning process, which has been an ongoing frustration for municipalities because there was not in the past a clear enough sense of direction from the ministry or the ability to get on with the 3Rs initiatives in advance of having to complete the whole planning exercise and focus on the disposal site.

The waste management master planning discussion paper will talk about a more expedited approvals planning process and indicate the ministry's willingness to try to provide some consistency of advice to proponents and some consistency of personnel when dealing with municipalities as they go through the waste management master planning process.

The other one on the powers is, as I indicated again before today, much more contentious and raises the issues—these are consultation papers; they are not conclusions—that need to be addressed before coming to a conclusion on where the power to control the direction of

waste should lie. Presently it is fragmented between the area municipalities, regional municipalities and the provincial government and the private sector. The paper will discuss various options for allowing municipalities to have some responsibility for the direction of waste that is generated within their borders.

**Mr Cousens:** One further question, thank you, is the possible sites that will be used for landfill to be considered in the greater Toronto area. When can we expect to have those sites released?

**Hon Mrs Grier:** I cannot answer that, as I again have already answered today. The process of determining the initial list of sites was suspended pending passage of Bill 143. The discussions that were held last summer with respect to the criteria for the selection of sites were very productive and led to a lot of good interaction in the communities and regions.

Our response to those consultations is being produced by the Interim Waste Authority, not by my ministry. That will be released, I hope, before we have final passage of the legislation, but again it is not related to the legislation. Once the legislation has been adopted, then the Interim Waste Authority will resume work on the selection of the first list of sites based on the conclusions and the provisions of Bill 143. How long that will take I honestly cannot answer.

**The Acting Chair (Mr Beer):** Mr Cousens, would you permit a supplementary by Mr McClelland? Then I have Mr Sorbara.

**Mr Cousens:** Indeed.

**Mr McClelland:** I am just curious about that. Maybe you could help me. I have made a point from time to time—quite frankly, to the exasperation of some members opposite—when I would ask for the status of the site, or about various euphemisms and descriptions that were attached to the list of sites or the non-existence of such a list.

I suppose one of the things that confused me was a memorandum, which regrettably I do not have in front of me—I suppose you will have to accept my word on the basis of that memorandum—from your House leader. It said that if we as opposition agreed to allow Bill 143 to pass before December 19, the government would immediately agree to release the list of sites. I guess therein lies some of the confusion inasmuch as we would like to believe that list of sites existed, and your House leader went so far as to say in a memorandum that if we would be nice people and play ball, so to speak, with you, you would very kindly, as the government, allow us to see the list.

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That might just, for the record, explain some of our confusion and certainly my confusion with this list that you said the work was suspended on. You see I find it very difficult to understand in my mind and to rationalize how it is that the government House leader on one hand could say, "A list exists and we will give it to you if you will cooperate," and then we would hear that there was not any list.

**Hon Mrs Grier:** The list did not exist, but the initial timetable for concluding preparation of a list was based on

the presumption that this legislation would have been adopted—it was introduced in October and I think it was certainly our expectation that it would have been dealt with expeditiously by the House and might well have been given third reading by the end of October, early November. The initial date for completing work on the long list was, I think, end of November, early December.

After the legislation was introduced and when the opposition made it quite plain that it wanted to have hearings on the legislation, obviously in discussions of that we said, "Well, if we don't have to have hearings, then we can get the legislation and the work can continue on the long list." When it was obvious that the opposition wanted to have hearings, we suspended the work.

**Mr McClelland:** Yes, but on a point of clarification, you see, the memorandum did not say work would continue. It said in fact that the list would be provided. I guess therein lies the confusion because we naively believed and took at face value that this list was some sort of negotiating tool or a card to be dealt.

**Hon Mrs Grier:** I think a great deal of midnight oil would have had to have been burnt to produce it at that point.

**Mr McClelland:** You will forgive us for being somewhat cynical in light of other commitments and promises that were made and broken and why we would have thought that in fact maybe the list was out there and that your fear of course was that the people in and around the greater Toronto area would rise up, as it were, if they found out that their land or land adjacent to where they happen to live was on that list. So you can understand why we were more than a little confused in light of that memorandum. Thank you for that clarification.

**Hon Mrs Grier:** Mr McClelland, you play fast and loose with accusations of promises made and broken and I sometimes rather resent the way in which you use that phrase. Let me make it very clear to you. Work was well under way to prepare a list of sites.

**Mr McClelland:** Yes, you have explained that and I appreciate that.

**Hon Mrs Grier:** That list might well have been completed and available for discussion with the opposition. When it became apparent that there were going to be hearings and the legislation was not in fact going to be adopted, work was suspended. Had it been necessary to complete the list in time for some date before Christmas, a great deal of extra effort would have had to have been expended. That has not been expended and work will now resume when the bill is passed. I think before you accuse people lightly of breaking promises, you might reflect on some of the promises made by your party before it became government and its actions.

**Mr McClelland:** I think that explanation, Minister, and I am sorry that you are getting excited about this, was simply a matter of—I appreciate the fact that you helped explain to me my misunderstanding inasmuch as what the memo said and what you said were apparently two different things. You have explained that for me and I appreciate



it and I am sorry that it got you excited this afternoon. I certainly would not want that to happen.

**Hon Mrs Grier:** You have yet to see me excited, Mr McClelland.

**The Acting Chair (Mr Beer):** Mr Sorbara. I do not know whether this is going to continue the excitement or—

**Hon Mrs Grier:** It has been a long afternoon. Any excitement is welcome.

**Mr Sorbara:** I appreciate the opportunity to intervene at a point just after the minister attempts to give the Liberal opposition a lecture on keeping commitments made during election campaigns.

I think if you examine the commitments that were made by the Liberal Party in the election campaign of 1985, you will find those commitments completed. If you look at the commitments made by the Ontario Liberal Party government in 1987, you will find that those commitments were indeed completed during the Parliament of 1987 to 1990, and then something happened. We elected a government that made a number of commitments. If the minister wants to talk about political commitments, we will stay discussion for a moment of the political commitment dealing with environmental assessment and the establishment of new or expanded garbage sites.

We might look at the commitment, for example, to provide 60% funding for education. We might look at the commitment to develop a state-run automobile insurance program. We might look at the commitment to expand day care in the province of Ontario. We might look at the commitment to help the farming communities of Ontario. We might even look at the commitment to abide by a set of conflict-of-interest guidelines and standards in government and compare that to the actions of the ministers of the cabinet you belong to. So let us not have a lecture from the Minister of the Environment on keeping election commitments.

I would like to go to the commitment that you and your party and your Premier made in respect of the expansion of the Keele Valley landfill site. Bob Rae and the candidate for his party in 1990, in the election campaign of September 1990, stood at the edge of the Keele Valley landfill site and said to the people of the province that there would be no expansion of the Keele Valley landfill site in the absence of a full hearing under the Environmental Assessment Act. That was the commitment made.

I do not know why he made that commitment; I do not know if he believed it; I do not know if when he said that he was aware of the problems that were involved in garbage and waste disposal in the greater Toronto area, but the commitment was made. Presumably it was made on the advice of the person who is now the Minister of the Environment, because at that time she was the critic for environmental issues and had been a very strong advocate of taking every possible step to ensure that the provisions of the Environmental Assessment Act were enforced in respect of major decisions like that. So I take it that Bob Rae was acting on advice he received from the incumbent minister.

The minister herself, shortly after she was elected, made a commitment to introduce legislation early to deal with waste disposal in the greater Toronto area. She promised it and the legislation was not brought forward. Then after, I guess, almost a year, a bill was finally brought forward, Bill 143. That is the bill we are dealing with here. That bill violates every single principle of sound environmental planning and legislation that has ever been argued and debated in this province, often eloquently, by the person who is now Minister of the Environment.

But let's get to the very heart of what this legislation is all about. This legislation is about what we should do with Toronto's garbage. It does not really have anything to do with the greater Toronto area. If it were just the regional municipality of Peel, we would not have legislation before us. If it were just dealing with the garbage in the regional municipality of Durham, we would not have any legislation before us, just like we do not have legislation before us to deal with the disposal of garbage in communities of equivalent size, for example, the city of London or the city of Ottawa or the city of Kingston.

The real issue here is what to do with Toronto's garbage. After all, there is quite a bit of garbage generated by a busy population of 2.5 million people. This bill is all about where we are going to dispose of that garbage to the extent that we cannot implement the 3Rs and reduce that garbage. Everyone believes in that. We did not need this bill to implement the 3Rs. The officials will acknowledge that this could have been done by regulation and we all know that was possible.

The question is, what are we going to do with the garbage of a community of 2.5 million people? You would expect that if we really believed in sound environmental principles, we would have been driven by two considerations only. That is the scientific investigation of what disposal site would best contain that quantity of garbage: the science, the geology, the topography, and the other environmental impacts on communities, including traffic and the inevitable seagulls by the millions that will spend lots of time around dump sites like Keele Valley.

The first consideration is the science. What site is best? What site will best accommodate that much waste generated by such a large population?

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The second consideration would be to make that decision not based on politics but based on the most extensive and fair hearing process a jurisdiction like Ontario could come up with because, after all, fairness in administrative decisions is the principal component driving this kind of quasi-judicial function, this function of making decisions that impact on the lives of people who live in our communities. So you would want a fair hearing process and you would want that process to consider the very best environmental science that the proponents and those who participate in the hearings could come up with.

We are looking for a site for Metro's garbage. We want a fair hearing process, and we want to examine perhaps a number of candidate sites and put those candidate sites before the board that is going to be hearing the issue and considering it. And what do we have in this bill? We have

in this bill a decision made in secret by a government to select one region of the province, one regional municipality, the regional municipality of York region, and by fiat, by declaration, by decision of a minister, by decision of a cabinet, to determine without consultation, without science, without any consideration of the public impact or the suitability of candidate sites within that region, that it shall be in York region. "It shall be in York region." That is what the bill says: Metro's garbage is going to York region.

Look at what that means. I ask the minister to consider this once again. If there is a site that is scientifically and environmentally more suitable a mile north of the boundaries of York region, that site shall, by your bill, be excluded from consideration in favour of an inferior site in York region. I ask you to tell me whether you really believe that is sound environmental planning. If the site is three times as good in Simcoe county or four times as good in the area of Caledon or beyond Caledon, that site shall be rejected in favour of a site in York region.

Why? Because you do not want to keep the garbage in Metro Toronto. There are too many votes in Metro Toronto. There are no more sites available in Metro Toronto so we will put it in a bordering municipality. We will put it some place close to Toronto because that sort of keeps us within this notion that you cannot truck garbage outside of the area. You have to put it notionally in your backyard.

But the municipality of Metropolitan Toronto has three neighbouring regions on its borders: Peel, Durham and York. Presumably, good environmental principles will suggest that if you are going to keep it within that region, at least you would consider sites in all three of those municipalities, but no. There may be a site far more suitable in Durham, but that site by way of this bill is rejected in favour of a site in York region. If there is a site more suitable in either of those municipalities, they cannot be considered, just like Kirkland Lake cannot be considered.

So somewhere a decision was made, and we have yet to be able to find that out. Somewhere, whether in the ministry or in the cabinet or in the secrecy of the minister's constituency office, somebody said, "Let's send it to York region." What kind of sense does that make? Is it based on science? Was there a study done about the geology of York region?

**Mr Cousens:** No. It is just all Liberals and Tories up there.

**Mr Sorbara:** No. A part of York region is represented by my friend from Durham-York. I would hate to think, although sometimes I have my suspicions, that it was driven by politics, but what other consideration is there? Will someone please tell me who made the decision to send Metro's garbage to York region? It is no closer than Peel. It is no closer than Durham. Somehow that decision was made and that was cut into the bill. The minister thought she could take the political heat and the problem would be solved.

I want to tell the minister and the committee members that it will not be solved. Because it does not make any sense, this thing will be fought and fought and fought until a reasonable decision is made for the disposal of Metro's

garbage based on the two fundamental principles: The first is that you choose the site or a variety of candidate sites that are potentially suitable based on science, and they notionally should be anywhere, not just in York region; then you have a full hearing process so a hearing board can examine scrupulously every aspect of the environmental impact of that dump on the community and on the land and on the geology and all of that—

Interjection.

**Mr Sorbara:** I did not interrupt you, my friend, so I will just ask you to let me continue.

**Mr Wiseman:** You are just really rewriting history.

**The Acting Chair (Mr Beer):** Order, please.

**Mr Sorbara:** Thank you, Mr Chairman. Part of the problem with this bill, and the reason I support the motion of my friend from Markham, is that the minister has used fraudulent rationalizations in order to support her contention—

**Mr Wiseman:** That language is not parliamentary, Mr Chair. Using the word "fraudulent" is not parliamentary language.

**Mr Sorbara:** I will establish, my friend, the reason it is fraudulent. I am quoting now from the minister's own remarks—

**Mr Wiseman:** Regardless of what you are about to say—

**The Acting Chair (Mr Beer):** Excuse me, Mr Sorbara. I wonder if you might want just to phrase slightly differently and proceed.

**Mr Sorbara:** At your encouragement, Mr Chairman, I will do that: a rationalization for this bill based on a rather bizarre view of history.

I am quoting now from the minister's remarks on page 3 of her statement today: "Incineration, and hauling garbage beyond the boundaries of the GTA, are waste disposal measures which are inconsistent with waste reduction. They are a product of the way of life which has created garbage crises across Ontario. They are not solutions but rather part of the problem."

That paragraph suggests that this garbage crisis, this overabundance of garbage, this inability to handle the volume of garbage we have created in our society, is based on this habit we have of hauling garbage a long way from home. That is patent nonsense. Metro's garbage has been hauled close to home, to York region, Peel and Durham, for ever and a day. These locales have historically been the place where the garbage has gone. We have never hauled it to Kirkland Lake. We have never trucked it off to Sarnia. We have never shipped it to Sault Ste Marie. It has always gone right there, so surely the notion that we are solving the problem, that we are going to impose a reduction on the quantity of garbage we produce by changing our ways, is patent nonsense. We are not changing our ways at all. For years and years and years, Toronto's garbage has been brought to York region.

The minister has a new approach to solving this garbage crisis and in doing that she is going to reduce dramatically the amount of garbage. Do you know



what she is going to do, Mr Chairman? She is going to haul it to York region. What is so different about that? That is where it has always gone. Ever since I can remember there has been a dump in the town of Vaughan, and before that the township of Vaughan, to handle Toronto's garbage.

But you see, the minister has a new way of approaching this problem. She is going to change this way of life that she says has created garbage crises—in the plural—across Ontario. She is going to set us on a new course. She is going to find a different way of approaching it. She is going to bring in measures that will promote reduction. She is going to haul the garbage to the very same place it has always gone, for ever and a day, in the province. Some reform. Some change.

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Well, there is reform, there is change. Frankly, the dump we have there now, the Keele Valley landfill site, was approved after the most extensive of hearings, where environmental groups and the municipalities were allowed to express their view. My friend Mr Wiseman says it was not. He had better read history. There were hearings. They were not perhaps as extensive as would have been the case under the present legislation, but I had thought we had made some progress.

**Mr Wiseman:** —that the interim lift was going to be on Keele Valley?

**Mr Sorbara:** Yes, there was going to be a hearing under the Environmental Protection Act. That was a promise we would have kept, my friend. When we said that in your community we took the political heat for it, but at least we would have been as good as our word. I took political heat in your riding, my friend, because I went there and said, "No, I do not support the notion of a full environmental assessment for Whitevale."

**Mr Wiseman:** I did.

**Mr Sorbara:** You did, and you got your political payoff, my friend, but you will find out what it is worth to you the next time around.

What we have here is a determination to send the garbage to the very same place but to do it slightly differently: We are not going to have a hearing. The original bill said: "No hearing at all. We haven't got time; this is a crisis." The minister would add every now and again, "This is a crisis created by the previous government." It is like the budgetary crisis, like every crisis the government is facing: unemployment, an incredibly high deficit, the failure of our hospitals to be able to deliver, all that stuff. It is all created by the previous government. Give me a break.

We have this problem now, so we will solve it without any hearing whatever. The minister takes a little heat, so then she brings forward amendments. "Well, we will have a hearing—maybe. But in the middle of the hearing, if we decide it's taking too long, the director can issue a certificate approving the site for disposal of garbage." Have you ever heard of anything of that sort? Does that accord with your principles of fairness and justice? Do not give us a hearing. Do not give us a hearing if it can be cut short by the director. It is like saying you have been charged with an offence and you are going to have a fair trial, but if the

prosecutor decides in the middle of the trial that he has had enough, he can enter a finding of guilt. That is an insult.

Do you not understand? I say this to the officials who drafted this. Do you not understand what an insult that is to the people of my community, to say that you will have a hearing, but in the middle of a hearing we can just cut it short and issue a certificate? Do not do that. That is degrading. It is offensive. There will not be a hearing if there is going to be a hearing under those circumstances.

Where are the groups going to get the funds to participate in this hearing, this sham of a hearing, this pseudo-hearing? You know what? The Minister of the Environment used to believe in intervenor funding. She gave great speeches in opposition about intervenor funding. We believed in it too, and we passed a bill in Parliament providing for intervenor funding. It was a bill that had a sunset provision in it. The intervenor funding bill expires in a few days, on April 1, 1992. You would think that the New Dippers, the great advocates of intervenor funding, would have an order in council or something to resurrect that little Liberal measure to provide intervenor funding. Guess what? It is dead. It is dead and gone.

I show to you, Mr Chairman, a summary of a legislative priority-setting exercise. This is a priority of the government that is a leaked document. I will be investigated now by the RCMP or the OPP or somebody for speaking from a leaked document. These are the priorities of the government for the next session of the Legislature. There are 76 pieces of legislation referred to in this document. I am not going to read numbers 1 to 75. I am going to read number 76 of 76. It has a title over it, a subheading. The subheading is "Exclude from Future Consideration" then 76, intervenor funding. "Exclude from Future Consideration." After the heading it reads, "Formalizes and possibly expands intervenor funding project." Oh heavens, we would not want to do that. "Possible impact on OMB; fiscal implications." That is bureaucratic language for "It will cost money."

If there is no intervenor funding, the little hearing, the pseudo-hearing that the minister in her amendments wants to provide for the people of Maple and the people of Vaughan and the people of York region to have a say, to do some investigation, to hire some scientists, to hire some advocates, to pay a lawyer—they are not going to have any money. Yes, they will have a street dance and they will raise \$150 or \$200 and they will plead with the municipal council to put up money and the municipal council will say: "Well, the province gave us 1% and we're having a terrible time. Sorry, we don't have any money for you." The communities will be shut out.

Intervenor funding was one of the great battle cries of the NDP in opposition. If you do not provide intervenor funding, they said, then no matter what the legislation says, the hearing cannot be fair. You have to balance the power of those bringing forward the proposal and those who want to speak to the proposal. You have to balance those things. The only way you can do that is with money, intervenor funding. Intervenor funding is 76 on a list of 76 pieces of legislation for consideration this session. The subtitle proclaims it, "Exclude from Future Consideration."

Well, well, well, is that not going to be an interesting pseudo-hearing?

This bill is all about what to do with Metro Toronto's garbage. The bill is a sham. It is a disgrace. The bill is a whole bunch of words and a whole bunch of parts and sections which say in short, "We have decided to dump Metro's garbage in York region and we're going to do that come hell or high water." Look at the minister's press releases and her statement: The principles of this bill are not to be changed. Look at what her assistant said in a press release reported in *Now* magazine. I am paraphrasing, but basically what she said is, "If you think you're going to get changes in this bill, you've got another think coming."

The committee hearings, the public hearings we had, were a sham and an insult to the people, who were simply asking that the NDP government carry on with the tradition of providing extensive public hearings in these very serious matters. That is all they were saying: You cannot cut short the hearing process, because the right to a hearing represents a fundamental principle of administrative law and administrative justice and it is not to be compromised by emergencies. You cannot say "Guilty" because you do not have enough courtroom space to have a fair trial. We do not do that.

All the groups that were here said, to summarize: "Don't do this. Yes, implement the 3Rs, of course implement the 3Rs. That isn't in dispute. You don't need a bill to do that. Don't cut short the hearing process. Don't act arbitrarily. Don't impose your will by fiat. Have a hearing and let that hearing consider the science and the impact on the community."

All this dilly-dallying and all these little amendments the minister brought forward are an insult to those who took their time and used their resources to come and speak to this committee. I do not support the reasons Mr Cousins brought forward his amendment, but I certainly do support the notion that we should defer indefinitely third reading of this bill. This bill should be abandoned and the minister, who has still time left in her mandate, should start all over again.

**The Acting Chair (Mr Beer):** Mr Wiseman, you are next on the list. I note that it is very close to 5 o'clock. I am in the committee's hands. We can proceed and you can make your comments, or we can continue tomorrow if the committee wishes to conclude this particular debate today.

**Mr Wiseman:** How close are we?

**The Acting Chair (Mr Beer):** Three minutes.

**Mr Wiseman:** I will start.

I was rather intrigued by the rewriting of history put forward by the honourable member for York.

**Mr Sorbara:** York Centre.

**Mr Wiseman:** York Centre, thanks. I remember a meeting at the Ontario Science Centre in March 1988 when it was announced that P1, site 6B, a lift on Keele Valley, would all be the suggested sites, the interim sites those various communities would put forward to deal with the garbage gap, as it was then known.

I remember that meeting very well because there was little opportunity to question the Premier of the day and there was little opportunity to question the then chairman of Metro, still the chairman of Metro today, on how they decided that they were going to choose those sites. Where did they come from?

I was particularly interested in the process for the choice of P1 in north Pickering because the then Premier had previously announced that no lands would be given in the north Pickering land assembly for the siting of a landfill site for Metro and Durham, but shortly thereafter—after a backroom meeting, I presume, because it certainly was not public and the minutes were certainly not revealed to any of the groups that asked for them—a deal was hammered out between the Metro chairman, Alan Tonks, and the Durham chairman, Gary Herrema, and the Premier of the day.

It was decided, without bringing any legislation forward, without making any comment to any of the local groups, without consultation with any of the local councils, particularly Pickering, that the site would in fact be the P1 site on Altona Road just south of the 5th Concession. There was no move to have any legislation brought forward to move away from the Environmental Assessment Act.

**Mr Sorbara:** The legislation already existed. There was going to be a hearing.

**Mr Wiseman:** The hearing that was brought forward on that was done by caveat, fiat, by the Premier of the day without including anybody from the local community in the decision-making process.

I find it just a little galling to sit here listening to these condemnations, especially from the Tories as they rewrite their own history on this, because in effect what was happening on the suggested P1 landfill site was that it was going to be a landfill site, regardless of whether it could pass the hydrogeological tests and was a suitable site. There was no comparison. There was not site A, site B, site C, site D and P1. It was P1, on top of three aquifers at the headwaters of three creeks, the Little Rouge, Duffins and Petticoat Creek. There was no question in anybody's mind that it was going to be P1.

**Mr Sorbara:** On a point of order, Mr Chairman: If I might, I would like to register an objection. My friend from the region of Durham has simply misrepresented the intentions of the previous government. If I might say with all due respect, P1 as he described it—

**The Acting Chair (Mr Beer):** Order, please. I have allowed Mr Wiseman to—if he would complete his remarks at this point, it is now 5 o'clock.

**Mr Wiseman:** I would like to resume the floor tomorrow.

**The Acting Chair (Mr Beer):** It is now 5 o'clock. Under the direction of the committee, we were to adjourn at 5 o'clock each day, so we will reconvene at 10 o'clock tomorrow morning in this place.

The committee adjourned at 1700.



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**Substitution(s) / Membre(s) remplaçant(s):**  
Beer, Charles (York North/-Nord L) for Mrs Caplan  
Lessard, Wayne (Windsor-Walkerville ND) for Mr Hope  
Marland, Margaret (Mississauga South/-Sud PC) for Mr Stockwell  
McClelland, Carman (Brampton North/-Nord L) for Mrs Sullivan  
Ramsay, David (Timiskaming L) for Mrs Fawcett  
Sorbara, Gregory S. (York Centre L) for Mr Sola

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## Assemblée législative de l'Ontario

Première intercession, 35<sup>e</sup> législature

## Official Report of Debates (Hansard)

Tuesday 24 March 1992



## Journal des débats (Hansard)

Le mardi 24 mars 1992

### Standing committee on social development

Waste Management Act, 1992

### Comité permanent des affaires sociales

Loi de 1992 sur la gestion  
des déchets

Chair: Elinor Caplan  
Clerk: Lynn Mellor

Présidente : Elinor Caplan  
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Il existe un index cumulatif des numéros précédents. Les renseignements qu'il contient sont à votre disposition par téléphone auprès des employés de l'index du Journal des débats au (416) 325-7400.

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# LEGISLATIVE ASSEMBLY OF ONTARIO

## STANDING COMMITTEE ON SOCIAL DEVELOPMENT

Tuesday 24 March 1992

The committee met at 1005 in room 151.

### WASTE MANAGEMENT ACT, 1992

#### LOI DE 1992 SUR LA GESTION DES DÉCHETS

Resuming consideration of Bill 143, An Act respecting the Management of Waste in the Greater Toronto Area and to amend the Environmental Protection Act / Projet de loi 143, Loi concernant la gestion des déchets dans la région du grand Toronto et modifiant la Loi sur la protection de l'environnement.

**The Acting Chair (Mr Beer):** Ladies and gentlemen, we will begin the morning session. When we reached 5 o'clock last night Mr Wiseman had the floor. Just to remind people, and particularly those who may be watching, we are discussing the motion that was moved by Mr Cousens. We started the debate on that motion yesterday.

**Mr Wiseman:** I was in the process of reviewing some of the history of P1 because there definitely seems to be a change in the outlook of both opposition parties from where they stood at the time. I am going to pursue that a little bit more.

To recap a little bit, the history of the problem of landfill for Metropolitan Toronto goes back a long way in terms of the history of Pickering with the Beare Road landfill site on the western boundary of Pickering, in Scarborough, and the fact that it has about 18 million tons of garbage in it, and right across the road almost, southeast from there, is the Brock West landfill site which is a horrendously poorly run dump. It is so badly run that even Metropolitan Toronto's own engineering firm, Conestoga-Rovers, has condemned it as being one of the worst-run landfill sites in North America and clearly not an acceptable way of running a landfill.

To go back to the early 1970s prior to Brock West coming on stream, Metropolitan Toronto moved into what I consider to have been very faint-hearted attempts at recycling. I lived in Scarborough at the time and I remember how they would put up depots and have people bring some of their recyclable materials to these depots. There did not really seem to be a dedication or a commitment to recycling on the part of Metropolitan Toronto. There was a lot of verbiage to the effect that they were going to support recycling, but in fact it did not get off the ground. There are a number of people who are convinced it was really just window dressing until they got the landfill site. Metropolitan Toronto makes huge amounts of money off its landfill sites, and that was the case back in the early 1970s.

The Brock West landfill site came on stream and from the very beginning it was fraught with problems. Part of it slipped into Duffins Creek at some point and leachate is constantly being leaked, and the methane gas is now being extracted by Eastern Power and being burned off, but there are still many other problems. This brings us up to the history of landfilling in Ajax and Pickering.

When Brock West began to fill up rather rapidly because of Metro's faint-hearted attempts at recycling—actually it just cancelled its programs—it began to shop around and look for another landfill site. They cast their eyes on a place called Brock South, which is right next to Duffins Creek and the site of an old stone quarry which sits on an aquifer. That caused a group of people to come together in Pickering and Ajax to fight landfill sites because they already knew the history of Metropolitan Toronto's incompetence in terms of running a landfill site. Brock North has about 143,000 tons in it and today it still has to have leachate removed from a holding tank in order to make the surrounding area safe.

That brings us to the stage of the game where Durham and Metro had this marriage of convenience and wanted to have the landfill site together and the people of Ajax and Pickering banded together. When I say the people of Ajax and Pickering, I mean that literally; there were over 3,000 people actively participating in the events of the town who raised money to fight these landfill sites, and over 1,000 people put their names on a legal agreement and put money up to go to court against the previous administration over the P1 landfill site. But I am getting ahead of myself here.

What happened was that in March of, I think it was, 1988 or 1989—probably 1989—an announcement was made by the then Premier, who reversed his previous position that no government lands would be used for a landfill site. But in that announcement they also announced that an interim waste dump would be created. Durham put on the table, with an agreement by the provincial government, the site of P1. York put on the table a lift on Keele Valley. I find it rather interesting that the member for York Centre would be in here yesterday crying foul over this when at the same time he was quite prepared to move for a lift on Keele Valley under an EPA.

Metropolitan Toronto's presentation to the interim waste solution was M2 and M3, which were in the Rouge Valley. M2 and M3, of course, were far too small, divided and not really suitable, since the Rouge Valley had already been dedicated as a park. It was rather cynically said by the then chairman that they were not really going to be suitable sites but they had to put something on the table, and I can remember that at that meeting as well.

What really concerned me here and really, I guess, prompted me to move into this discussion of P1 is that prior to our being elected—we being the New Democrats—it had always been the position of the group I belong to and the New Democratic Party that P1 should have a full Environmental Assessment Act hearing. It was a greenfield site, and it should have that.

It was the position of the Liberal Party that an EPA was sufficient, and that was good enough. It was the position of



the Conservative Party that P1 should have a full Environmental Assessment Act hearing, and that statement and promise was made by its leader in Whitevale during the election campaign. So it is with a little chagrin that I hear the member for York Centre talk about, "There was such a wonderful process on it for P1."

The P1 landfill site was, first, not going to be given by the then Premier, and then it was given, and it was given under an EPA. There was no legislation, there was no consultation and there was no consideration given to people who opposed it. In fact, the P1 landfill site had no hope of not being approved. Given the scenario that was outlined, there were no comparisons, there were no alternatives on the table and there was no way you could say that at the end of spending \$10 million or \$12 million on a site evaluation, it could not go ahead.

Some say that in fact it could have been turned down, but Dillon, who were the engineers involved in that, at a very early stage brought forward its report that said the P1 landfill site would be hydrogeologically difficult to groom into a landfill site. That just sent up huge numbers of concerns in the community, because it sits on a very high promontory of land on top of three aquifers and three riversheds, and the fact that it would be hydrogeologically difficult really clearly sent a message into the community that it was not being listened to.

It was so strong that the town of Pickering, which is the organized elected body from the area, hired its own lawyer and spent almost \$300,000—actually it was \$300,000-some-odd—to fight the P1 landfill site. PACT, which is Pickering Ajax Citizens Together, raised somewhere in the neighbourhood of \$250,000 over the three-year period, hired its own lawyers and actually launched two lawsuits. One lawsuit was to be directed by Morris Manning. It was a constitutional challenge. The other lawsuit was against both Durham and Metropolitan Toronto and would have gone down the road of saying it should have been under the Environmental Assessment Act.

What is interesting here is that what we as a government said was exactly the same thing the Tories promised to deliver if they had been elected. It strikes me as a little strange that they would now be here saying they could solve the problems they would have faced if they had kept their promises. Nobody would say they would not keep their promises—good people all. We would not consider that they would not keep their promises, but they would face this dilemma.

I can remember a day in September when I sat in front of some rather bright cameras in the studio and launched a lawsuit against the government of the day—which happened to be my own—with PACT, because I had been there for so long and because that was the time line we were faced with. It was really quite a pleasant occasion when Ruth Grier, the current Minister of the Environment, said that P1 would have to undergo an Environmental Assessment Act hearing, which in effect meant it would have to go back to square one to be considered in the context of all sorts of other landfill sites.

That immediately led to Durham and Metro deciding to pull the site. Lawsuits ensued and lo and behold it was

found by a hearing board that Durham would have to pay both the town of Pickering's and PACT's legal expenses, which amounted to some \$300,000. That left us where we are today.

One thing really bothered me coming into the Legislature. We were not here more than about two or three weeks and we had what I consider to be a really unacceptable motion by the then critic for the Liberal Party, Barbara Sullivan, about having full Environmental Assessment Act hearings on all landfill sites and all suggested landfill sites in Ontario, a direct reversal of the policy in government, a policy which, I would say, contributed to the defeat of the incumbent I ran against.

I find that disturbing, because we come here and we are supposed to consider that what is being said is really the truth coming from all members. We are supposed to accept it as being the truth. In that light, all I can say is that I am really quite pleased with the conversion of the Liberal Party to this new-found sense of fairness and equity. It is quite remarkable. I am sure we all appreciate, now you are out of government, that you have found that to do things right is now acceptable, as opposed to what you were prepared to do before. I find it just a little bit disconcerting.

What happened after that, of course, was that the numbers started coming in and we had to evaluate one way or another what was going to take place. We the government found ourselves with an interesting situation where the history of Metropolitan Toronto's inability to deal with its problem was to be visited upon all the communities in Ontario: Lambton, Marmora, Plympton and Sarnia. All over Ontario, Metropolitan Toronto was looking for landfill sites. Compounding that was Metropolitan Toronto's legally given right to be the only municipality that could expropriate land in other jurisdictions outside of its own legal boundaries, which I find to be appalling.

1020

I think what is represented in Bill 143 is a recognition that this is not an acceptable way to proceed. Metropolitan Toronto must accept responsibility for its own garbage and for its problems without visiting them on to its neighbours, as it has done in Pickering with such total disregard for what has happened there.

There we are with the history of P1, the history of the apparent coming to their senses of the Liberal Party and the apparent changes in position of the Tory party from what its members said when they were making campaign speeches in Whitevale in 1990.

**Mr Cousens:** There is no change, and I take exception to the lunacy of this dying, drowning person who is going down again with his swan song before he—

**The Acting Chair (Mr Beer):** Order, please. There will be opportunity for all members to speak.

**Mr Cousens:** Let him talk about his own stupid moves in his own stupid party rather than coming along and making allegations.

**The Acting Chair (Mr Beer):** Order.

**Mr Cousens:** I will not tolerate that.

**The Acting Chair (Mr Beer):** Mr Cousens, there will be plenty of opportunity for members to speak.

**Mr Cousens:** He is just taking advantage of—

**The Acting Chair (Mr Beer):** Mr Wiseman has the floor.

**Mr Cousens:** —the last cry of despair, the drowning skipper—

**The Acting Chair (Mr Beer):** Mr Cousens, if you would allow Mr Wiseman to speak, you will have your opportunity.

**Mr Wiseman:** I must have hit a nerve.

**Mr Cousens:** So have I.

**Mr Wiseman:** I think it is rather interesting when we listen in the House to the member for Etobicoke going on about what a wonderful process it was—

**Mrs Marland:** He is not the member for Etobicoke.

**Mr Wiseman:** It is Etobicoke West.

**Mrs Marland:** No.

**Mr Wiseman:** Chris Stockwell.

**Mrs Marland:** Oh, I am sorry.

**Mr Wiseman:** He talks about the wonderful process he continues to defend now that he is a member of the Tory caucus, while the Tory caucus has taken an entirely different view. I remember sitting in a meeting with the Tory caucus prior to being elected when Mr Cousens and Mrs Marland were there and they did say there would be a full Environmental Assessment Act hearing on P1.

**Mrs Marland:** Are you using your 20 minutes today from yesterday?

**Mr Wiseman:** I would think that instead of interjecting—it must have hit a raw nerve or something that they are so touchy about this.

**Mr Cousens:** Talk about raw garbage; that is what we have in this room.

**The Acting Chair (Mr Beer):** I remind honourable members that we are discussing the motion moved by Mr Cousens, and everyone has an opportunity to speak and for as long as they wish. Mr Wiseman has the floor. I have given him the courtesy—

**Mr Wiseman:** I had not intended to take much more time, Mr Chairman. I just wanted to remind members that the situation we find ourselves in today has a long history to it. A cynic might say that it has been fraught with political manoeuvrings and changes over a long period of time and that it is time to move on to solving the problem, as Bill 143 does. For it to be withdrawn at this stage would be totally unacceptable because it would mean going back to the old Solid Waste Interim Steering Committee program, which would put all the communities in Ontario back on the table for a Metropolitan Toronto site selection search and would move us way back to a stage where the likelihood of finding and successfully locating landfill sites for the GTA waste problem would likely not be accomplishable in the time we have available between now and then. I think it is important that this bill go on and that we expedite its passage.

**Mr Cousens:** We could go on on my motion for the next two days, and in that way we would never get to the amendments we would make on the bill. It is tragic, though, what I have just heard from the member for Durham West, I think it is, because part of the statement he made was that of someone who lives in a riding that until recently has shown a tremendous amount of concern about where landfill sites would be located.

I happen to have been at Whitevale and I have been at other meetings within that area. Part of my motion and implicit in it is the lack of information from the government where a number of things would be going. I would like to have asked for—I did yesterday, and I think this is going to come back to bite the honourable member somewhere on his body. The government has not released the possible sites where we might be having landfill sites. I wonder where they will be in the honourable member's riding and at such time—

**Mr Wiseman:** It might not be in my riding.

**Mr Cousens:** Oh, indeed. You might be so lucky. I will tell you this much, the Conservatives and the Liberals are really stinging from the fear that it is going to be our ridings that are selected, because this lovely process you have really does not give us much recourse once this legislation is passed. Once this legislation is passed, the opportunity for people to react—

**Mr Wiseman:** Read the document. You haven't even read it. You don't know what you're talking about.

**Mr Cousens:** He is being rude, Mr Chairman, interrupting.

**The Acting Chair (Mr Beer):** Order, please.

**Mr Cousens:** He cannot even take it. It is one thing to give it; it is another thing to take it.

**The Acting Chair (Mr Beer):** Members of the committee, order, please. I would ask, when one of the members is speaking, to allow that member to complete his or her comments. Mr Cousens has the floor.

**Mr Cousens:** If he hit a nerve on me, I can see I also found he has a loose nerve. It is certainly not my desire that the committee deteriorate into the kind of conduct that is quite capable of coming from that member.

I just want to say that part of our purpose in having this motion was to try to get more information from the ministry on this bill. It is not forthcoming. So when we decide what is going to happen with Bill 143, we are going to have placed in law a bill that is going to change the way in which the greater Toronto area handles its garbage. Tragically it is going to affect every one of us, because of the way it limits the thinking and controls what is going to be done. We do not know what regulations are going to come in. We do not know what the new papers are going to say. We do not know the cost benefits. In fact, we do not know enough to make a decision on this bill right now. What I would have liked to have done through this motion was to postpone consideration of Bill 143 until we had all that data.

Those are my concluding remarks on this motion.



**The Acting Chair (Mr Beer):** I have no further names on the list, so we will put the motion that has been moved by Mr Cousens.

The committee divided on Mr Cousens's motion, which was negated on the following vote:

**Ayes—5**

Cousens, Marland, McClelland, Ramsay, Sola.

**Nays—6**

Haeck, Johnson, Martin, Mathysen, O'Connor, Wiseman.

**The Acting Chair (Mr Beer):** We will now move to clause-by-clause. I believe you all have copies of the amendments from the government and the two opposition parties.

The first amendment I have before me is a Liberal motion to amend part I, sections 1 to 11. That motion is out of order. If those who wanted to move it want to vote against it, that would be done by voting against the section.

**Mr McClelland:** I will move that part I of the bill, consisting of sections 1 to 11, be struck out notwithstanding your ruling that this motion is out of order. I am still moving that because consistent with our arguments of yesterday and today, we feel certainly the first three parts of this bill are so ill-conceived that we ought to abandon it and start afresh.

We have made that point, and I am not going to revisit the points made by my colleagues Mr Cousens, Mrs Marland or Mr Sorbara yesterday. I simply say that the rationale for moving that was, as I said yesterday, that we believe there are parts of the bill, particularly in part IV, that we would be prepared to support, with amendments, but feel that the first three parts of the bill are so ill-conceived and so flawed that we could not support them and accordingly have moved this amendment that part I of the bill be struck out.

**The Acting Chair (Mr Beer):** I appreciate the arguments from the honourable member. As I mentioned, the motion is out of order in terms of dealing with the section. You can vote against all those sections when they arise.

1030

**Mr Wiseman:** Mr Chairman, this is a question of information: At what point are you going to inform the committee of the subcommittee decisions from last night?

**The Acting Chair (Mr Beer):** We were going to meet again at the end of the day, so we can discuss our meeting now or—

**Mr Wiseman:** It might bear on how the proceedings go for the rest of the day if they were to know our decision.

**The Acting Chair (Mr Beer):** I believe they do, but I can summarize what happened. There was a meeting of the subcommittee at the end of yesterday. There was a suggestion that the committee might look to concluding its work by noon on Thursday and members were to discuss that. There were a number of reasons for that. In talking with Mr Wiseman this morning, he has indicated that if things are at that point where we have completed our hearings by then, that is fine, but the government is not prepared to

commit to that timetable. At the present time we are still working within what we were asked to do by the House, which is that no later than 4 o'clock on Thursday we will have to begin voting on all of the various sections we have not as of then dealt with. If we find as of Wednesday or so that we may be able to be finished by Thursday, if I understand what Mr Wiseman has said, then there is no problem in finishing at that time, but we do not have a specific commitment to do that.

**Mr Wiseman:** It sums it up very nicely. Thank you.

**The Acting Chair (Mr Beer):** Then if we can continue on, I would just reiterate that this first amendment is out of order. Mr McClelland, do you have a further amendment?

Section 1:

**The Acting Chair (Mr Beer):** Mr McClelland moves that section 1 of the bill be struck out and the following substituted:

"Definition

"1. In this part and part II, 'corporation' means the corporation continued by section 2."

**Mr McClelland:** By way of explanation, Mr Chairman, this motion standing on its own does not really make a whole lot of sense. If you would bear with me, I will try and explain how it fits. It fits with the subsequent amendment that basically changes the name of the Interim Waste Authority to the Ontario Waste Authority Ltd. I suppose I am in your hands with respect to how to want to proceed, if we should proceed at this point in time with that particular amendment as put on the floor or do them in concert, inasmuch as the motion for the amendment to section 1 does not really stand on its own. If you would bear with me, Mr Chairman, you will notice the subsequent amendment does in fact change the name from Interim Waste Authority Ltd to the Ontario Waste Authority Ltd.

**The Acting Chair (Mr Beer):** Yes, clearly the two are related. Is it your request that you would present both of them and—

**Mr McClelland:** I will be prepared to move the subsequent amendment and then discuss it, as you see fit.

**The Acting Chair (Mr Beer):** What I would suggest, if this is agreeable to the committee, is that both of them are linked. If you wish to discuss and speak to both, we will have to vote on the first one, and were that one to fail, then the second one would not proceed. But they are linked, and if that is agreeable to members of the committee, then I would be prepared to accept that we discuss both, it being understood that we would vote on the first one, obviously, separately.

**Mr McClelland:** Thank you. The rationale, very simply put—

**The Acting Chair (Mr Beer):** Excuse me, Mr McClelland, I wonder if just for the record, you want to read the second one and then we will have them both on the table.

**Mr McClelland:** Certainly. I move that section 2 of the bill be struck out and the following substituted:

"Corporation continued

"2. The corporation known in English as the Interim Waste Authority Ltd and in French as the Office provisoire

de sélection de lieux d'élimination des déchets Ltée is continued under the Business Corporations Act as the Ontario Waste Authority Ltd in English and Office ontarien des déchets Ltée in French.

"Crown agency

"2.1 The corporation is a crown agency within the meaning of the Crown Agency Act."

The rationale simply is this: The bill in many respects has implications for Ontario, notwithstanding the fact that the Interim Waste Authority has been set up with a view to handling the waste problems within the greater Toronto area. It has been the opinion of many, expressed before this committee, that the implications reach right across Ontario. I will be very surprised if some day we do not find that this is the thin edge of the wedge and that with the process that is established here, where the government is making decisions, as said by Mr Sorbara yesterday, in many cases by fiat, taking unto itself the responsibility of locating landfill sites within the greater Toronto area and as it were dictating unto the municipalities within the greater Toronto area how and where and in what manner they will operate their landfill sites, the waste authority will inevitably, once the door is opened, need to respond to the crisis situations that are developing all across this province. We have heard as we have travelled across this province that there are countless—we have heard estimates that between 80 and 190 landfill sites will be closed within the next two years.

This government has indicated it has no comprehensive plan of action. They have no idea of how they are going to deal with waste on a comprehensive, rational basis across this province. It seems to me that inevitably, when we accept the provisions of Bill 143 for the greater Toronto area, in so doing we have to be realistic. We are opening the door for the same provisions to be applied across this province. In many communities they are facing like crises as the greater Toronto area, whether they be real or contrived.

Accordingly, we have made this amendment to recognize the reality that has been presented before this committee, that the government's management with respect to waste is totally out of control, that it is operating on a crisis management methodology, as is evidenced by Bill 143. The creation of the Interim Waste Authority is not just, I believe, or we believe, for the greater Toronto area, but inevitably will have implications all across this province. We think the name ought to reflect that and ought to reflect it accurately, and that is the rationale for the change of name that would change it to the Ontario Waste Authority Ltd.

**The Acting Chair (Mr Beer):** Thank you. Mr Wiseman. Could I note, just to be clear, as someone who from time to time watches the proceedings of committees on television, that I often find, particularly in this room, that there are some things the viewer does not necessarily know, because we all have paper in front of us, and that is why in terms of that amendment to section 2, for the purposes of information so people out there will have a sense of what is actually being discussed, I felt it appropriate that it at least be set forward. I just want to underline that was not moved in any formal sense but was simply there for information.

**Mr Wiseman:** I will not be supporting this motion, and there are two reasons why. First, I think by changing the name of the authority you do two things: One, you imply that it is a permanent authority, and two, you open it up to a provincial-wide scope, which I think is just a veiled return to the Solid Waste Interim Steering Committee policy of trying to locate Metro garbage dumps in all the communities around the province, so I would not support that for those two reasons.

The second reason is that to do so would change the entire intent of the bill to such an extent that it will not do what the bill is intended to do. From the rest of your amendments, and I guess everybody should know we have seen them, it seems to me that a lot of the amendments you are bringing forward have that intent, and that is to open up the whole province to Metro's garbage again, and therefore I will not be supporting this.

**Mr Cousens:** I think really what Mr Wiseman is trying to say indirectly is that he is looking forward to the day Durham will be the recipient of Metro's garbage and he is going to be the guardian of another landfill site. That is certainly the way I hear him talking, and I am really pleased you are welcoming that kind of opportunity.

**Mr Wiseman:** You had better put me back on the list.

1040

**Mr Cousens:** I do not know how we can call this an Interim Waste Authority. If it is interim, I do not think it is something that is permanent. It is something that is going to be short-lived. It has a duration to it that really does not expect it to be a fixture that is going to be around an awful lot longer than this government. That may be the way we describe longevity these days, how long the New Democrats will be in power, 1,400 more days or something. If that is the interim we are talking about, maybe it is a good name, because this whole bill will have to be revisited following this government.

But it is still wrong to have the illusion that we are talking about something that is interim and long-term. It is going to be there far longer, especially for the consequences that are being created. The decisions that are being made now as they affect the areas adjoining my riding in Keele Valley, Margaret Marland's riding in Britannia and Mr Wiseman's riding over in Durham—there are at least three of us on this committee who are very close to what is happening, and it is not going to be an interim problem that is created; it has very long-term implications.

I am sympathetic to the direction my colleague Mr McClelland is taking in presenting this amendment. What he is really trying to do is come up with a responsible name for describing what is going to be done through this authority. I have to compliment him for not being flip in developing some of the names I heard described by people outside the committee room.

**Mr Ramsay:** Such as?

**Mr Cousens:** They wanted to have the words "New Democratic" in there in some way, NDP Waste Authority. Someone suggested it may even be the Bob Rae Memorial Authority because it is going to be one of the biggest memorials to his government that you could possibly ask for.



I do not want it; I do not want the authority; I do not want the way it is being done. I do not like the name it has now. I am really caught in a dilemma, Mr McClelland, in that you have presented a motion here that almost means I have to support the bill. There is so much else that is wrong with it, unless you can really promise to support a number of the other amendments that are going to begin to put into question what this bill is all about—and I happen to know you well enough to know that is the case—so that we can then assume the bill will be changed in such a way, when it becomes a corporation as described by this motion, that it will not have the powers that have been brought forward by this government. I think it is a responsible amendment in light of all the other amendments that follow after it. If this were the only amendment the Liberals had, I would have major problems.

**Mr McClelland:** We have 63.

**Mr Cousens:** With the 63 amendments that you have, I do not know how many we are going to get passed, but that is a lot of amendments. This happens to be one of those that I will support it because you have 62 others that are going to begin to bring some sense to this authority.

Right now, it is wrong to call this the Interim Waste Authority Ltd. We have had opportunity to discuss this in the Legislature and in committee, the fact that the government could not think of a better name. The original name was developed by the Liberals. Why did you guys ever give them the idea for this? It all starts back with your friend Mr Bradley, when he was Minister of the Environment. He started calling it—

**Mr McClelland:** The sins of the father visited on the sons.

**Mr Cousens:** The sins of the father visited now upon the son; that is part of the problem with this whole bill. We would not be in this situation as badly as we are if you guys had handled it a little bit better. I do not think people should forget the fact that the Liberals are not without sin. Maybe that is not the way you describe it here in the Legislature.

**Mr McClelland:** None of us is.

**Mr Cousens:** None of us is. But this is a responsible motion. Though it is hinged on many others being carried, I will support the intent and the desire that has been so eloquently expressed by Mr McClelland, and I sincerely hope we have a chance not only to change the name in the bill but to change the content in a drastic way, because as it stands right now, this is going to come back and haunt not only the New Democrats and Mr Wiseman in his re-election; it is going to haunt this government for as long as it is in existence.

**Interjection:** Fourteen hundred days?

**Mr Cousens:** I think it is 1,400; I have to get the exact number.

**The Acting Chair (Mr Beer):** Mr Cousens, the Chair appreciates the theological perspective you have provided to our discussions. Mr O'Connor, and then Mr McClelland.

**Mr O'Connor:** For our viewers who are going to be watching us as we go through this process of clause-by-

clause over the next period of time, there was perhaps a mistake in the statement of the honourable member for Markham just now, saying Metro's waste would be going to Durham region. If we take a look at the bill itself, where it is being directed and where the sites are to take place, it does not say Durham region. In fact, Durham is supposed to be responsible for its own waste.

In the motion as put forward, perhaps Mr McClelland's version of the long term and interim could be different for many people. As Mr Cousens said, an interim NDP government might only be here for a short time, but that interim government could be here for 42 years, like the Tory government was previously. Maybe interim is a little extended, perhaps.

The fact remains that the Interim Waste Authority has a mandate to try to find some sites, through a process of as much public involvement as possible, through the draft approach and criteria document, trying to get as much public involvement into trying to set aside a process that in fact could be a model, as Mr McClelland has alluded to, to deal with problems of waste management in other municipalities throughout the province.

In trying to develop a name, the Interim Waste Authority, maybe some people do not like that—the IWA. I suppose, even with Mr McClelland's Ontario Waste—what did you call it now, the Ontario Waste Authority? There is an Ontario Waste Association that, of course, is an association of private haulers and perhaps we would cause some confusion. Perhaps we do not need to create any more confusion in the private sector that you seem to be championing right here. We do not need to cause any more problems than there are.

The minister spoke yesterday about the involvement of the private sector, and I am sure we will get into it a little further as we get into some of your debates surrounding the involvement of the private sector, but I do not think there is any need or reason for changing the name right now. In the process that has been going on, the Interim Waste Authority has held an awful lot of public meetings throughout the GTA, taken a look and tried to come up with a process that is going to be very good, so it would be ludicrous to change the name and confuse people for no reason whatsoever other than to have a motion put forward that would maybe please one member.

We have a position that has to be taken, a responsible position. We have a problem in front of us, a waste management problem, and an Act respecting the Management of Waste in the Greater Toronto Area and to amend the Environmental Protection Act as a name for this bill, I think, is very appropriate.

I would not recommend that any of my colleagues support this motion as it stands now. I know I will not, so I will pass it on.

**Mr McClelland:** I guess it begs the age-old question, what is in a name and does the name really matter? It is interesting that Mr O'Connor mentions that this is interim, and what is interim? I suggest to Mr O'Connor and to all my friends sitting around this table that when their constituents realize they may have a waste management site, a dump site, for 20 years in their neighbourhood or constituency, and when Mr O'Connor—if it should come to pass

that the good people of Durham-York recognize that without the protections that have been previously afforded them, a waste management operation has been placed in their neighbourhood, close to their homes or farms and they are told it is for 20 years, I will be very interested to come to one of your town hall meetings or public forums when you try to explain to them that it is simply an interim measure.

I thought there would be a fairly quick and clean debate on this particular motion, Mr Chairman, but it is interesting that as my friends talk they bring up so many points that it is very difficult to contain ourselves—my friend Mr Cousens and I listening—and not comment on them.

You talked about the name bringing confusion; this whole act brings confusion. It sets out rules for York that are different from Metro. It sets out rules that are different for Durham and Keele. There is a different set of rules depending on where you live in the province, and as I said throughout the course of debate, I suppose it sets different rules depending on what day it is and whether it is a full moon or whatever is happening. We talk about confusion, Mr O'Connor. This bill does nothing but add to the confusion, and layers confusion upon confusion and uncertainty.

1050

You talked about the fact that it is only intended for Toronto. Let me tell you—remind you, not tell you; you were here—what the Conservation Council of Ontario said during public hearings. It said this legislation “was a blueprint for abrogating the legislative protection offered by the Environmental Protection Act and the Environmental Assessment Act.”

The Conservation Council of Ontario went on to say—and this is the point with respect to the implications for Ontario. It is not only I myself who believe this will have implications for all of Ontario. We heard that from AMO; we heard it from representatives of municipal councils right across the province; we heard it from citizens' groups and organizations as we went across the province. Here is what the Conservation Council of Ontario said as well in response to the fear that this legislative scheme was the thin edge of the wedge that would have an impact right across the province, “It is critical that this legislative scheme not serve as a precedent for environmental approvals of projects or programs elsewhere in the province.”

The Conservation Council of Ontario recognizes the reality—the probability, if I might say, rather than the reality—this legislative scheme will come to bear on the entire province of Ontario. If you think for one minute that this is not the beginning of a legacy of waste management by your government, I say to the parliamentary assistant, I think you are being extremely naïve. I say to you very simply, whether you amend the name or not, you will find yourself in a position where you will be using the provisions of Bill 143 all across Ontario unless you very rapidly come to grips with the responsibility, you have in terms of waste management for this province, as a government. I say again that Bill 143 is an admission of failure to do that in the first year and a half of your mandate, and I think we have to be realistic.

You ask “What's in a name?” I think what is in a name is important, because I think it is the sense of responsibility that you have to be forthcoming to the people of Ontario. Let them know that this is not simply for the greater Toronto area but has implications for people right across this province.

I want to remind my friend Mr Cousens—he was having some difficulty—of my first amendment, which was ruled out of order by the Chair, that would have scrapped the entire section. Inasmuch as that was ruled out order, I feel that while we cannot get what we want, maybe we can win a little bit around the edges from time to time. You are right. The best thing would be to put this whole thing to bed and get rid of it, but our friends opposite voted against that. The government defends its ideology rather than defend and stand up for the people of the province and the people of its constituencies. We recognize that is going to be its agenda.

Having said that, it is obvious they are not going to support it. They are not going to reflect reality. But mark my words, Mr O'Connor, it is like you said, when you tell the people in your riding that 20 years is only interim, they will still have very little comfort. When you tell them that 20 years is interim and when it starts to be visited upon the people across the rest of the province, you will have an interesting time explaining to them, “We didn't foresee the difficulties coming down the road.” I leave it with you. I think the motion to change the name reflects reality and, in all probability, what will happen.

**Ms Haeck:** I tried to resist commenting but I cannot. The posturing on the other side is just too much to really withstand. The Interim Waste Authority Ltd has quite simply the mandate to locate the site and really assist the municipalities in a long-standing problem.

The issue I really want to raise here this morning, which I know the opposition has chosen to ignore, is that there is a world beyond the boundaries of the GTA. The area I represent, St Catharines-Brock, has in fact a great concern about what could conceivably end up in its backyard, which happens to be Toronto's garbage. The regional municipality of York came in here with some high-priced lawyers to plead its case on behalf of its citizens, saying that Niagara should in fact be the recipient of York region's waste. Well, Niagara does not want York region's waste. They believe that York region should really look after York region's waste, as our area is making every attempt to look after our own.

In speaking to my constituents, they are extremely pleased with Bill 143. They are very pleased with the mandate that is being set out here in this particular piece of legislation. Further, they are totally in agreement with the minister's philosophical bent. They are not prepared for the long-range transportation of waste, nor are they happy with the concept of incineration, all of which the opposition seems to support with these amendments and other comments they have made over the last four weeks.

Having said that, thank you, Mr Chair, I will close.

**The Acting Chair (Mr Beer):** Mrs Marland, Mr O'Connor has a point of clarification. I will allow him to make that point of clarification and then we will move on.



**Mr O'Connor:** Just a quick point of clarification: Mr McClelland raised the fact we are not talking about long-term sites. In fact, we are talking about long-term sites. The authority itself is an interim authority to take a look at long-term sites. On the very first page of the Interim Waste Authority document that was put out for circulation to get people to comment on it, it says right in the very first paragraph, "The release of the draft criteria for the Durham landfill site search marks the beginning of a proposed process to search for, select and establish a long-term landfill site in Durham region." It actually is an opportunity for people to respond. It goes on and I encourage people to take a look at this later on if they need some clarification.

If you would like, Mr McClelland, I could ask someone from the Interim Waste Authority who is here right now, because I do not have the other documents from the other areas, but I could ask them if the intent is still the same and very similar for the other areas that the search is taking place in, but I am sure you will find that it is; just that point of clarification.

**Mrs Marland:** I just have a brief response to the member for St Catharines. It is very interesting to sit in the same room today with the same members with whom we sat yesterday and hear the member for St Catharines say, "Whether the members opposite understand it or not, there is a world outside the GTA."

I say to the member for St Catharines that she was in this room yesterday when I raised the grave concern of two areas outside the GTA. I raised the concerns, the rights and the wishes of a community in northern Ontario to try to bring some business to northern Ontario. I also raised the concerns of the municipalities in the district of Muskoka, including the township of Muskoka Lakes and Mayor Bill Rogers's concerns in particular with the fact that the rules for him in the township of Muskoka Lakes are totally the opposite than the rules that are established for the municipalities within the greater Toronto area.

It is rather a little insulting to have you tell us today that there is a world outside the GTA. When I asked those questions of the ministry yesterday I pointed out the fact that when we are talking about this bill, we are talking about a situation that this bill does not help or remedy and yet, most important, it does not deal fairly with any municipalities in the province within or without the GTA.

One other thing that I would say to the parliamentary assistant is that when he talks about the Interim Waste Authority establishing long-term sites, I think one of the major shortcomings of the mandate that has been given to the Interim Waste Authority is the fact that long-term sites are going to be 20-plus years.

I think any government with any common sense or any kind of head on its shoulders would have realized that if you want to emplace a landfill site in this province you would have a lot more success if you said to the people: "Look, we're going to emplace this site. It's going to operate for 10 or 12 years and then it'll be closed." That is the agreement, by the way, that the city of Mississauga had with the people surrounding the Britannia site. There was agreement. There was acceptance by the people in that municipality for a 12-year site.

The fact that this has now been totally betrayed by this Bob Rae socialist government is an issue on its own, but the fact is that it is not realistic to try to establish locations in this province for 20 years plus. Nobody wants those garbage trucks rolling past their houses and their homes and their properties for 20 years, but they might well accept it for a shorter period of time, and a landfill site that would operate for eight, 10 or even 12 years is a realistic length of time of operation. That is a major issue in itself that not very many people have addressed, yet the Interim Waste Authority has been given the direction by this short-sighted government to go and establish long-term sites at 20 years plus. Good luck. I mean, talk about Alice in Wonderland. You will never get anybody who wants a site operating for 20 years plus. It is totally unrealistic.

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**The Acting Chair (Mr Beer):** We will vote first on the amendment. Shall the amendment carry? Those in favour? Those opposed?

Motion negated.

**The Acting Chair (Mr Beer):** Shall section 1 of the bill carry? All those in favour? All those opposed?

Section 1 agreed to.

**The Acting Chair (Mr Beer):** Mr McClelland, you had linked your second amendment, the second one being on sections 2 and 2.1, and for information purposes I had you put that into the record, and I think you noted at the time that it was linked to section 1. The amendment to section 1 having failed, this is therefore out of order and cannot be dealt with.

Section 2:

**The Acting Chair (Mr Beer):** The next section then is section 2. Shall section 2 carry?

**Mr McClelland:** I have a subsequent amendment, Mr Chairman.

**The Acting Chair (Mr Beer):** Yes. I believe we first of all have to deal with section 2, because then your amendment is to create a section 2.1. Shall section 2 carry? All those in favour? Opposed?

Section 2 agreed to.

**The Acting Chair (Mr Beer):** Mr McClelland moves that the bill be amended by adding the following section:

"Quarterly report

"2.1(1): Within four months after the coming into force of this act, and every four months afterwards, the corporation shall prepare a written report setting out descriptions of all the sites the corporation is considering as possible sites for landfill waste disposal sites.

"Idem

"(2) The corporation shall give a copy of the report to the Minister of the Environment and shall make copies of the report available to members of the public at no charge."

**Mr McClelland:** I think it is self-explanatory. We have throughout the course of these proceedings felt that the people of the province who may be affected, particularly in and around the greater Toronto area, ought to be advised of what is taking place, and certainly in light of the fact that

Bill 143 by its very scheme undermines the protections and the processes that have been afforded people in the province before. I might add that as to the legislative scheme, particularly in terms of the Environmental Assessment Act and the Environmental Protection Act, many people fought very hard to see it enshrined in the law in this province.

The fact that the accountability and the responsibility of local municipal governments, which are closely in touch with people and which are ultimately charged with the responsibility of managing waste for their communities—those rights are being eroded and impinged upon. We feel that the very least the government could do is to have full disclosure in terms of what is taking place and to disclose candidly and openly on a regular basis knowledge that is available to let people know, those people whose property may be in jeopardy. Accordingly we have moved this amendment and these additional sections.

**Mr Wiseman:** My question is to the parliamentary assistant: My understanding is that there is a timetable and a procedure available. I have a number of questions I would like to ask the Interim Waste Authority. How would I do that?

**The Acting Chair (Mr Beer):** With the agreement of the committee, would you like to have those questions directed to the Interim Waste Authority so that they can be answered?

**Mr McClelland:** Questions with respect to the motion?

**Mr Wiseman:** To ascertain the degree to which this motion is acceptable or unacceptable. I am going to find out some information first.

**The Acting Chair (Mr Beer):** If that is so, then please direct your question.

**Mr Wiseman:** Could you describe for me the procedure that has already been outlined in the Interim Waste Authority document for participation and for site selection search and the timetable that the IWA has advertised and made public?

**The Acting Chair (Mr Beer):** Please go ahead. Again for those watching, would you mind identifying yourself?

**Ms Rush:** My name is Jan Rush. I am assistant deputy minister for the Office for the Greater Toronto Area. I am also the chair of the Interim Waste Authority.

**Mr Cousens:** That is a permanent job.

**Ms Rush:** No comment.

The Interim Waste Authority said very early in its formation that it would utilize a number of administrative changes that were proposed for the EAPIP process, the environmental assessment program improvement project. I am sorry, I always forget the acronym. The first thing we have done in that is produce the document that has been referred to already this morning, the draft approach and criteria document.

That document—we are the first proponent that has produced such a document—lays out for public consultation the process we intend to use for public comment and consultation. It also lays out a proposed timetable and it lays out the proposed steps as to how one gets through that

timetable to go through the environmental assessment process. In that particular timetable, what we have done is put forward five documents that would be part of that public consultation component. Those are outlined in some detail in section 5 of each of the documents for each of the three site search areas.

The first document is the one that is released and has been referred to. As I mentioned, that talks about the process to be used and it puts out in draft form the criteria for steps 1 through 4. Steps 1 through 4 are a successive series of criteria by which the authority or the proponent would take the entire site search area and refine it to what is referred to as the long list of sites. That is called EA document 1.

The second document would be EA document 2. In that document would be the activities that led to the identification of the long list. That document would reply to the public consultation. Everyone who raised a point will know what happened to that point, both in terms of the process and also the criteria established in steps 1 through 4. That document would also refine the criteria in step 5, again based on the comments. Step 5 criteria are the ones that take a proponent from the long list to the short list, and would, for the first time, put out criteria for step 6. Step 6 would be the basis by which one moved from the short list to the preferred site.

At each part of this process there is a reply to the consultations that have taken place so far, and some more information and more detail for consideration by the public.

In our original timetable, while the timetable dates have shifted, the times between the sections have not. It is our plan three months after the release of the long list to come back with the next document, which would be the short list of sites, which is less than the motion that is under consideration as I understand it. In three months' time we would again reply to whatever round of public consultation had taken place and would refine that to a short list of sites. Six months after that period we would release the preferred site, and again there would be public consultation, further refinement and reply to the criteria that had been announced.

After that period, there would be activities—EA documents 5 and 6—which would be the conceptual design of the preferred site and the preparation for the EA overview. This is the process that was outlined in the draft approach and criteria document, which has been put before the public and on which we have received comments and consultation. I hope that is sufficient information for you.

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**Mr Wiseman:** To hold you to a four-month timetable like this, what would that mean in terms of cost? Is it even possible, given that the timetable you have outlined seems to have various lengths, some as short as six weeks, others as long as three months and six months?

**Ms Rush:** I think this would change the whole nature of the consultation program, because, as I say, we have already gone forward on the basis of the EAPIP process. What this process is built upon is that a certain cohesive body of work is completed at a certain point in time and therefore makes sense. That is our attempt. So what you



have is a review of materials and a step in the process being achieved. I think a time line that is set without regard to the work that is required to move to the next step might prove to be confusing. Also, the process and the criteria are just as important as the actual results in terms of the list. I think that, perhaps, is something to consider in the review. The period of time does not fit the estimate of the technical work that needs to be done. As I said, it is three months and six months, and the rest of the timetable was outlined. So it does not fit the way we have scheduled the work.

**Mr Wiseman:** If this amendment was to carry—you use the word “confusing.” Confusing to whom?

**Ms Rush:** I guess I would speculate there might be a perception that at four months’ time, a significant body of work had been completed. I am afraid, certainly from going to the short list to the preferred site, it would not. What we would be able to produce at that point would probably be exactly the same as what went out as per this timetable, because we would not have enough comprehensive work accomplished to change anything.

I think there is a presumption that sites are perhaps knocked off the list one at a time, and that is not the way the work is done. As you know, it is a comparative exercise. Data are collected throughout the time period that is deemed to be reasonable for that. Then an assessment is made as objectively as possible with all the experts, engineering, hydrogeology, at that time. So at the four-month time period, that process would not be complete, and it would be a bit of apples and oranges. I am not sure we would be able to add any new information at a point that was done by time rather than by work done.

**Mr Wiseman:** This document, the draft approach and criteria for the various regions and landfill site search, has created a public expectation. If all of a sudden these criteria were to be imposed on it, that would be changing the criteria. Would that not confuse the public and what their expectations were? Have you not spent a lot of time trying to put into place expectations that people could expect and rely on to resolve some of the fears and apprehensions?

**Ms Rush:** It was certainly our intent to do just that and, as I said, to consult equally on the process as well as the content; so not only how we were going to go about the job, but what we were going to do. This would be an overlay to the process, that the consultations have taken place to date.

**Mr Wiseman:** Would it be a costly thing to do, to produce one of these documents every four months?

**Ms Rush:** It would certainly cost additional money. As I said, I think probably it would not add much new information, because work under way would not be completed, but it would be costly to produce and distribute and also to translate.

**Mr Wiseman:** Thank you very much.

**The Acting Chair (Mr Beer):** I was remiss at the beginning in noting that we had representatives from the ministry here. I wonder, just before going on to Mr Cousens, if perhaps the others at the table could also intro-

duce themselves so that we and, as they say, the television audience know who is here.

**Mr Blackwell:** I am Drew Blackwell, the assistant deputy minister for the waste reduction office from the Ministry of the Environment. Without the microphone is Alex Giffen, the assistant director of central region of the Ministry of the Environment.

**Mr Jackson:** Jim Jackson. I am a solicitor with the legal services branch of the Ministry of the Environment.

**Mr FitzPatrick:** I am Leo FitzPatrick, also with the legal services branch of the ministry.

**Mr Cousens:** Just one question, Mr Chairman: I do want to get to the amendment that is before us, but I would like to have some sense of the costs going into the whole process you are involved with in the ministry. Could you give us a review of some of the numbers that come off the top of your head for the jobs you are doing and the number of people involved that you were just describing?

**Ms Rush:** The Interim Waste Authority has a complement of about 20 people. Most of the work is being done through consulting services. We have three consulting teams, each with a lead consultant, one for each of the three areas. That lead consultant works with a number of subconsultants to get the necessary expertise together to undertake this work.

In the printed estimates for this year, the government has a loan to the authority of about \$17 million. It is our expectation that slightly more than that will be required. That has not all been used this year because of the deferment. It is probably around \$20 million in terms of the necessary work to get to an EA hearing, and we do not have a budget beyond that at this point.

**Mrs Marland:** Is it not true that the \$17 million that has been lent to the Interim Waste Authority in turn is going to be billed back to those municipalities? Certainly that is what we were told in the region of Peel, not to worry about the \$17 million on consultants to come and tell us what we already know in Peel. “Don’t worry about it, but you’re going to pay for it.” Am I correct?

**Ms Rush:** As the minister indicated yesterday, the long-term management, operation and ownership of these sites has not been worked out, but certainly it is the government’s intention that whatever body owns and operates the sites will be responsible for all the liabilities. This debt will be one.

**Mrs Marland:** I understand that. That is not the question. The question is, the people of this province have loaned \$17 million or have assigned \$17 million to this government agency called the Interim Waste Authority. We were told, and I stand to be corrected, but—is it Erv McIntyre who is in charge of the Interim Waste Authority?

**Ms Rush:** Yes, he is the general manager.

**Mrs Marland:** I think in some public forum Mr McIntyre did in fact say that the \$17 million was going to be billed to the municipalities that were being served by the Interim Waste Authority, so it was going to be at no cost to the government because it was going to bill Peel, that it is looking for a site etc, etc. It is a very critical question on

the point that my colleague the member for Markham is raising here.

**Ms Rush:** I can just reiterate that to my understanding a bill will not be going to a municipality directly, but given the discussion we have had about the desire to negotiate with the regions a form of long-term waste management strategy that has not yet been undertaken what we can say is that whoever will own and operate the sites, and therefore again all the revenue from those sites, will also be responsible for paying the loan down.

**Mrs Marland:** Paying—

**Ms Rush:** The loan back.

**Mrs Marland:** Right, so I am correct.

**Ms Rush:** You are only correct if you assume it is the regions independently that will do that. I am saying that has not been all worked out. As I said, whatever the result of that negotiation for a long-term strategy, however that results, that region, that body, whatever that configuration turns out to be, will be responsible for all the costs that were created in establishing the sites, because they would also be receiving the revenues from that site.

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**Mrs Marland:** The reason this came up was because the consulting team that was looking at this matter, certainly to the horror of Mayor McCallion and a number of others, held a public meeting in Peel that was totally in French. That was an added cost to this whole Interim Waste Authority process. The mayor was furious, as were a number of people. I actually attended that presentation. The open house was totally in French and there were two people there.

Mayor McCallion was even more concerned because of the fact that she thought this \$17 million was the Ontario government's money. Then she learned it was not and that Peel was going to be paying for the service by the Interim Waste Authority to find the site in Peel, and she found it was paying for this kind of process to which they had never been party. They had never been asked what kind of approach the consulting team should take to holding these public meetings as part of the Interim Waste Authority's site selection interviewing and research. It is very important for everybody to understand that.

In Peel it is particularly important because Peel has already spent \$8 million looking for a landfill site and going through the site selection process, so we were not happy when we found out the Interim Waste Authority was back in Peel doing this job and that it was going to be billing the region. I just put that on the record.

**Mr Cousens:** There are different parts to this. As I stay on this theme I will certainly defer to Mr McClelland, but I really want to get—

**The Acting Chair (Mr Beer):** Mr Cousens, if I might just ask at this point, then, if other members' questions relate to that.

**Mr Cousens:** I think that is fair. I do not see any problem with that.

**The Acting Chair (Mr Beer):** All right. I ask Mr Wiseman and Mr McClelland whether their questions are related to this.

**Mr McClelland:** Yes, mine is.

**Mr Wiseman:** Yes, mine is.

**Mr Cousens:** I will stay on that theme, and then before I get to my next one respect their opportunity to participate.

**The Acting Chair (Mr Beer):** Fine, thank you.

**Mr Cousens:** On this very important matter of allocation of funds back to the regional municipalities, money that will have been spent by the Interim Waste Authority, what involvement will those regions have in the spending of the money? Are they involved in any way in guiding you or being involved in any of the decisions, or is it in fact not true that most of the decision now will be under the province?

**Ms Rush:** As I explained, the long-term configuration of who will own and operate the landfill sites is not determined. That will be negotiated with the regions over a period of time. We certainly have some time before the long-term sites will be operating and therefore earning revenues. That will take place. I think I need to make it clear again that it is not necessarily a bill to the regions. It will be as any capital asset: Whoever has the asset will also have the liability.

To the second part of your question, the Interim Waste Authority makes the determination now as to what is required to be a successful proponent, as per the directions we will receive from the Legislature into the nature of our undertaking and what, in the judgement of the professionals on the board of directors, is required to be successful at that.

**Mr Cousens:** Has your ministry, your group, taken a long-term forecast of the funding that is going to be required to exist? You have indicated that \$20 million has been assigned in this forthcoming fiscal year. What is your five-year plan based on what you see happening? Have you a sense there as to how much money will be required? On the basis of that, we will then begin to see how much money is going to be coming back through the regions through yourselves, so I would be interested in knowing that.

**Ms Rush:** We do not have a five-year projection. As you know, in this region by far the largest single cost will be the cost of the land involved. That is so significant and it is extremely difficult to forecast. We do not know where we will be and we certainly have no idea of what the market will be at the time we are in this, so the projections we have are so enormous as to not really make a budget at this point. What we intend to do is that when we have the preferred site we will have a much better idea of the costs involved.

**Mr Cousens:** You indicated that the budget forecasts are so enormous. Could you share with us what those are? You have got a worst-case scenario?

**Ms Rush:** No, there is nothing official, and we could not do it. As I said, if you start to price land in the site-search areas that we are looking at, we could not come up with anything that was meaningful. So I have nothing to share, and nothing has been taken forward.



**Mr Cousens:** I just want to make a comment. I appreciate that the answer we have just been given really touches on the critical part of this whole bill, and that is that the Minister of the Environment has decided that the greater Toronto area will house the landfill sites for the greater Toronto area waste. When we start asking what the long-term costs are for the waste within this greater Toronto area, we have just heard it said that the costs cannot be determined because of the variables, the cost of the land, and the cost of land is so high the word "enormous" was in the original statement made by Ms Rush. I have to say that is fundamental to the bill because the minister has ruled out the possibility of sending waste to a site outside of the greater Toronto area, such as the Adams mine site if it were approved through an environmental assessment. We have in that site alone a capacity for 20 years of the greater Toronto area's waste, yet on the other hand we are talking about budgets and future costs for which very highly competent and trained public servants are not able to give those numbers.

That indeed gives reason for this committee to rethink what is happening. We do not know how much is going to be spent to find those sites and open them up. The environmental process itself is just huge, and for us to be asking these questions—I happen to respect the answer. You do not know the answer, and you could not, but the government should have the sense to reopen its thinking to say, "Are there other options?" because if you take the worst-case scenario of what it is we are now talking about—and I thank the New Democratic member for opening up this whole subject. I do not think he realized the Pandora's box that he was opening, but this is really the fundamental issue that we are all talking about. It comes down to dollars and cents. Where are we going to get the money to pay for it?

We also have not determined that it might well be the regions that pay for it. Wait till you see Hazel McCallion start to jump up on the platform when that happens. You have not seen someone get as angry as she knows how to. But I will tell you, they know how to do it in York region and they know how to do it in Durham, in spite of the fact that some might not think they do.

We are talking about the cost of getting rid of Metro's waste, and it is going to be enormous, and I have taken that word from the statements we have just had. We do not know what they are, yet we could come up with other positions right now where you could determine what the costs are going to be over a five-year plan. What business is there in the province of Ontario that does not have a five-year plan to it? In the survival mode we are in today we are just hoping to get out of the recession that we are in right now and some of the problems. So it is a day-to-day existence, but when you are planning for the long term for the province on an issue as important as this, then there should be a far bigger picture provided to it. That is really the issue at hand.

So as we talk about the money—I want to come back on the amendment—to me, I am satisfied that we do not know on this committee what the profit and loss is going to be. It comes out that the profits can go to the regional municipality in which the landfill site is going to be, but who knows what the loss is going to be, what they are

going to pay for it. Because there is no one sitting around accounting for the moneys—there will be the responsibility through estimates to the government, so that we then have an accounting process—there is not any real way in which those regions that are going to end up paying the bill have any control over the way those moneys are going to be spent.

Who is to say how long it is going to take to go through a full environmental assessment process, or even a minimal one or a shorter-term one? If the government had the sense to come along and start now, by looking at the whole environmental protection process, then we might be able to find an accelerated way of dealing with it. You would not need this whole bill if you had done some of those things. It is true, we do not know what it is going to cost us, we do not know what it is going to cost the regions, and the costs are enormous. Who are the losers? The people of Ontario are the losers on this one.

I will defer to my friend. There are other comments I want to make on this amendment.

1130

**The Acting Chair (Mr Beer):** I have Mr McClelland and then Mr Wiseman on this, and then we will go back to Mr Cousens.

**Mr McClelland:** I too am very grateful that Mr Wiseman opened up this line of questioning for us because I think it is something that needs to be made very clear to members of this committee and the people of Ontario.

To the line of questioning by Mr Cousens, Ms Rush responded and said it depended on who ended up with the assets and who would assume the liabilities and so on. In the normal course of transactions people often look to the concept of fairness, the sense of reasonable exchange for product and service and so forth. In the situation that we have here it seems to me that municipalities—I will use the region of Peel by way of example, or the region of Durham—had in good faith undertaken a process and had incurred tremendous liabilities.

The province came along, through the Interim Waste Authority and through the scheme concocted by the New Democratic Party, to say: "We're going to tell you how to do it. We're going to impose our methodology and our system, because we have a better way. We're going to give you the product whether you want it or not. In fact, we know you don't want the product because you've told us that you," by way of example, in the region of Peel, "feel you can handle it yourselves and want to handle it yourselves," likewise with Durham, "but we're going to tell you how to do it anyway. We're going to take it over for you and we're going to dictate and we're going to run it our way. We're going to have committee hearings and you're going to come and have the opportunity to make your presentations, but we're really not going to listen to you because we're going to move ahead anyway. You've already spent a lot of money," the province is saying to municipalities, "You've spent a lot of money already; you've spent a great deal of money. We're going to come in and we're going to spend more money for you. You don't even want us to do it, but we're going to do it for you because we know best. Then

we're going to give you the pleasure of paying for it after the fact."

This is the question I am going to have. Is there going to be any consideration in terms of the basic concept of fairness, of crediting municipalities for the money they have already spent? In terms of liabilities and assets, are they going to be credited? If they are going to be stuck with a bill of goods, a bill for something they did not want in the first place, how about the money they spent in good faith, spent appropriately, pursuant to the laws of this province? Are they going to be given some credit for that?

Does it not seem reasonable and fair, I ask members—they are in a difficult position. I am not sure that they can answer on behalf of the government. They have a particular mandate and responsibility. I think the question has to be asked. Is it basically fair, a basic concept that we all understand, men and women across this province who may be watching, people who understand, members who would understand the basic concept of fairness? You come in and you say: "This is the way it's going to be and you have no choice. Whether you want it or not, we're doing it and you're going to pay the tab." Are we going to give you credit for what you have already done in the past? Is there any sense that they might get credit for the moneys that have already been expended?

**Ms Rush:** I cannot comment on that. What I can say is that when the Interim Waste Authority began its work it requested from the regions all technical information they had collected towards site searches. Given that ultimately it is one taxpayer in the area, we would make as much use as possible of the material provided to us. So we have been prudent in our expenditures in trying to locate all existing information so that we would hopefully eliminate duplication of studying anything that had been studied already. We have done that through not only site searches but other publicly available information. So some of the money that had been expended by the taxpayers under one jurisdiction has been useful in terms of the work that we needed to do.

**Mr McClelland:** I hope it would be useful. There are a lot of taxpayers and a lot of municipal leaders who would go beyond the point of usefulness. I understand and I am not taking any particular issue with any of the individuals who are here. They are here fulfilling their jobs and their responsibilities, as Mr Cousens said, very able, competent people who are put in the position of not having answers because of the framework within which they have to operate.

I find it interesting that the best answer and the honest answer, which is very much appreciated and respected by members, given is that it will be an enormous cost and we do not know what it is. I look in today's paper at, "Legal gambling casinos may be just the right economic shot in the arm to perk up Ontario's lagging economy, Premier Bob Rae says." I guess gambling is becoming a way of life in Ontario. We are gambling with the future of the taxpayers of the greater Toronto area. It is a gamble. We have heard today an honest, forthright admission by people who are representing the Interim Waste Authority that it is a roll of the dice. We do not know how much it is going to cost

and we are going to proceed without any handles on that and take away the right of the municipalities to do what they were doing. We are going to tell them how to do it and we will roll the dice and let the property taxpayer pick it up.

I think that is very interesting that today's paper talks about Mr Rae talking about gambling as a shot in the arm. We are gambling all over the place. We are gambling with the future of waste management in this province. I think Mr Cousens has made the point very well. I am not sure that Mr Wiseman understood what he was beginning to open up.

I think it is important that the people of the province understand that the province is saying it is going to pursue a course of action. They do not know how much it is going to cost. It is consistent with the economic planning of this government that it will just roll the dice and see what happens. "We don't know what the deficit will be this year or next year. We'll just take our chances. Times are tough. We're going to have trouble keeping the lid on. We'll have trouble keeping the lid on with the IWA, but that's okay. The people of Ontario, thank you, will pick up the tab and the municipalities will have the pleasure of going to the people for the property taxes to pay it."

It will be really interesting to see how the people at regional council in Durham, colleagues on regional council, I say to the parliamentary assistant, my colleagues at Peel regional council and those at York—when they have to put the coals or the hot iron to the feet of the taxpayer in and around the province of Ontario, who is going to be there to take the heat then? I ask, somewhat rhetorically, where is the Interim Waste Authority going to be at that time to answer and to be accountable to the people of Ontario and where is the Minister of the Environment going to be at that time? I know where they will be. It will be far afield. It will be the local municipal politicians who will be given the job, not because they want it but because they will be forced, of picking up the tab for this. There is going to be an awful lot of anger, a tremendous amount of anger that will be rightly directed at this NDP government for forcing municipalities into this position.

**Mr Wiseman:** I cannot believe what I just heard. It demonstrates such a lack of understanding of this issue that it is unbelievable. No wonder we have a mess. Let me start with this. How much garbage does Metropolitan Toronto produce on a yearly basis currently? How many tonnes? Can somebody just give me a rough number?

**Ms Rush:** The number I have in my head is a little bit dated but it was about two million tonnes.

**Mr Wiseman:** And in the whole GTA?

**Ms Rush:** About four million. Those numbers are over a year old. I am afraid I do not have the recent ones with me.

**Mr Wiseman:** We will keep the math real simple for the opposition members, so that they can follow this. If we produce four million tonnes, how much is Metro charging to tip at Brock West and Keele Valley?

**Ms Rush:** At the moment \$150 a tonne.



**Mr Wiseman:** If I calculate four million times \$150 a tonne, I get something like \$600 million per year in revenue. If I multiply that times 20 over a 20-year period, I get \$12 billion in potential revenue. Is this not the case?

**Ms Rush:** Yes.

**Mr Wiseman:** While I will tell you that I abhor the wastage of money as much as anybody and I do not accept that money spent frivolously can be rationalized no matter what, I would say that \$12 billion in tipping fees or forgone tipping fees, depending on who runs the landfill site at the end of the day, is a considerable amount of money and that money will be available to offset any costs incurred by the IWA finding a landfill site. Is that a correct assumption?

**Ms Rush:** Yes.

1140

**Mr Wiseman:** Let me ask you another question. Why did you hold bilingual meetings in Mississauga?

**Ms Rush:** It is our policy to follow the government policy of providing services in both languages in areas that are so designated.

**Mr Wiseman:** And Mississauga is designated as a bilingual area?

**Ms Rush:** Yes, it is.

**Mr Wiseman:** How long has it been designated? Do you know?

**Ms Rush:** Since the policy.

**Mrs Marland:** Since the passing of the French Language Services Act. You know the answer to that.

**Mr Wiseman:** Of course I know the answer to that.

**Mrs Marland:** Do not insult our staff by asking them stupid questions.

**Mr Wiseman:** I am not insulting them, but I am just amazed that you did not know it, or you insulted them by asking the question, because you knew they had an obligation to do it in the first place and you came in here and you made accusations about them, saying that they were wasting money, and they were not.

**The Acting Chair (Mr Beer):** Mr Wiseman, direct your questions, please.

**Mr Wiseman:** They were following the law passed by the Liberals, so do not come in here and put them on the spot like that. You know as well as I do that it was your line of questioning that led to this.

**Mrs Marland:** You are asking stupid questions.

**Mr Wiseman:** And you were making very foolish comments about knowing better.

**The Acting Chair (Mr Beer):** Order, please. If we could focus on the motion, the amendment before us, Mr Wiseman, you may wish to continue your questioning.

**Mr Wiseman:** I do not know, I think I have gotten pretty far down the road where I wanted to go, and that is that there is a huge amount of money, and that is part of the problem, is it not, in terms of \$12 billion of absolute dollars over the next 20 years, and the real debate, as far as

Metropolitan Toronto is concerned, is who is going to control it and where it is going to go.

They have clearly indicated in the past, through the running of Brock West and other landfill sites, that they want to control the tipping fees, because in fact what happens—and this is what my constituents know. My constituents know that they have been subsidizing Metropolitan Toronto and that they do not want to do that any more.

I know you cannot comment on that and I am not asking you a question, but I am just making that as a comment here. But when the Durham Board of Education has to pay to tip into Brock West, which is in Pickering, and the Metropolitan Toronto boards of education do not have to pay any tipping fee to put into Brock West, then you can see who is making the money and who is supporting the landfill site.

It only costs Metropolitan Toronto between \$29 and \$30 per tonne to run landfill sites. The rest is profit. As we go down the road, I have no problem about bringing up the whole question of financing in landfill sites and who runs it and who gets the money, because as we go farther down the road, you will find, as we talk about long-distance transportation and that, it would cost the taxpayers of the various regions huge amounts of moneys per household if we were to follow the plans of the Liberals and the Tories.

**Mr Cousins:** Going back to the number of elements that are coming out, and it has to do with the costs of garbage, Mr Wiseman has reviewed in his estimate the cost over the next 20 years. There will be \$20 billion in the coffers of somebody for tipping fees, if his scenario is correct. If the tipping fees cost more, and with inflation, it could be more than the \$12 billion he referred to, or it could be less because someone decides to make some changes, but the figure he is dealing with has just been put on the record as \$12 billion over 20 years, which is a huge amount of money.

That is part of what we are talking about with this bill. We will pass a bill over the next month or so that is going to take away from the people of Ontario, is going to move from a pocket of money they have right now which they pay in their own local taxes, and then it will end up they are going to be paying more because of the garbage pickup. We realize the 3Rs and other things will hopefully reduce the amount of garbage, but notwithstanding that, the honourable member for Durham is talking about a \$12-billion pricetag.

Is there any reason why Ontario is ceasing to be competitive? We are ceasing to be competitive because of the high cost of doing everything, and here this honourable member is saying, "We're just now going to be in a position that we'll have \$12 billion, and what are we going to do with it?" That is just exactly where the New Democrat socialist thinking leads us down the road of despair where there is no hope at all for Ontario to be a competitive place in North America or the world. Here he is bragging about the fact there is going to be \$12 billion in the pot because of tipping fees.

If there is anything we can do to reduce the costs of garbage and of tipping fees and to somehow bring it under control, we have to do that. These people do not have any

sense—you cannot separate in your mind the environmental principle of saying, “Hey, here we are at Kirkland Lake,” and then there is the economic reality of what it takes to get a railroad going and jobs going.

If you have a willing host and it passes the environmental assessment, then you begin to have an option worth considering. What this government has done is exclude that and then you start looking at the total dollars that are going to be spent in the greater Toronto area for the next 20 years. If it is \$12 billion, I guarantee that it will be far less if we were to look at another option like the Adams mine site in Kirkland Lake. What I am hearing from the New Democrats is that they do not care what it is going to cost as long as they have a huge well, a bank account loaded with money, because people are paying those amounts—

**Mr Wiseman:** On a point of order, Mr Chairman: I would like to correct the record. You have just said that we do not care what it is going to cost. That is totally incorrect. I said in my statement that I did not like—

**The Acting Chair (Mr Beer):** Excuse me, Mr Wiseman, that is not a point of order.

**Mr Wiseman:** —the misuse of funds and therefore I do care.

**The Acting Chair (Mr Beer):** Excuse me, Mr Wiseman, you have an opportunity to speak on this if you wish. That is not a point of order. Mr Cousens, I wonder if the Chair might observe, as it is a little past 11:40, that we are still on the second article of the bill. I simply state that by way of fact, hoping to guide honourable members in their comments.

**Mr Cousens:** I thank you, and I think we are touching on important matters that pertain to the bill. If we spend some time understanding the economy and the economic reality of what Bill 143 means and if out of this discussion at least comes a better understanding of what is going on—because we sure did not get it in the answers provided through the minister. The answers that have since been given by staff begin to make the case even stronger that we cannot afford this bill. We cannot afford the approach that is being taken by the New Democrats that says, “We are going to use Ontario’s wealthiest land, the most expensive land around, in the greater Toronto area, as our landfill sites.” That land is so costly that the government is not even able to come up with a forecast on how much money is going to be needed to buy those landfill sites, and we are still not able to determine how much it is going to take to just go through the environmental assessment process.

We are talking about huge dollars. Then the honourable member for Durham is talking in the order of \$12 billion to be gained on the income side for tippage. He seems to be very good with the numbers and he can put that across very easily. I happen to believe that the crisis is one of credibility. How in the Sam Hill are businesses going to want or be able to establish themselves in Ontario when we end up having that kind of overhead for things we are doing?

If we could look at some economic ways of solving our problems, we have to do it. We cannot isolate our-

selves from the economic reality and what is environmentally achievable and something we want to do. Somehow the two thoughts and ideologies should come together.

I want to touch further on the motion made earlier, and it has to do with four months after the coming into force of the act that there would be a written report coming out with a description of sites. The problem is that we do not know where the sites are going to be right now. That whole process was stopped when we did not pass the bill by December 19, and so we do not know where the interim sites are going to be. I wonder if the honourable staff would be so kind as to give us some idea of the sites we will be looking at for possible consideration for landfill within the greater Toronto area.

**The Acting Chair (Mr Beer):** Although that question was directed to honourable staff in general, perhaps one honourable staff member would like to respond.

**Mr Cousens:** Maybe the parliamentary assistant, so he can then refer it to whoever he wishes.

**Mr O'Connor:** I think Mr Cousens knows full well that there is no list. We have talked about this issue many times in this committee through the process. If he needs to hear it one more time, then I would ask the chair of the Interim Waste Authority, Jan Rush, to explain to Mr Cousens for the second time today the process you have been going through.

1150

**Ms Rush:** Work was suspended on developing the long list of sites, as has been indicated earlier. We will not recommence that work until we have a legislative mandate that is clear. After that time—we expect a number of weeks—we obviously will proceed as rapidly as we can after that point.

**Mr Cousens:** Have you had consultants working on that whole issue over the last several months even while these discussions have been going on?

**Ms Rush:** What the consultants have been working on is responding to the public consultation that was held to date and refining the criteria contained in steps 1 through 4. They have been preparing a refinement of step 5 criteria, which take from the long list to the short list. They have begun to think about the step 6 criteria that go from the short list to the preferred site. They have also been working on the weighting and rankings that will be applied to each of those criteria for the comparative parts.

**Mr Cousens:** So in fact they are indeed at the present time looking at the potential sites that will be tabled.

**Ms Rush:** No, they are not. They are looking at criteria and criteria only. That was communicated to all those people who have been at the consultations in a letter from the authority in December: that we had suspended work towards the long list and, given that we had time available, this is how we were going to spend it in terms of looking at the criteria, steps, consultation and weights and ranks. That is all they have been doing.

**Mr Cousens:** Whose decision was it to stop further consideration of those sites?



**Ms Rush:** It was the authority's and certainly also the government's. It was concurrent. We could not proceed for reasons that have been explained. One, the timetable that had been derived for the Interim Waste Authority was based on the assumption that the legislative mandate would be in place in the fall session. So when it was clear that that was not going to happen, we had two issues of great concern.

As I have explained before in the committee, one was that certainly we wanted confirmation of the legislative mandate because the entire undertakings are described for us in this legislation, and two, our timetable, which is a very rapid and we hope extremely efficient timetable of moving as quickly as we can from the long list through the short to the preferred, is based upon a very clear decision on the powers of entry and our ability to negotiate with all land owners very quickly, all knowing their rights in a procedure that would allow us to have those negotiations in place early. Hopefully we can successfully negotiate with all, but if not, the power so that we can do the testing that is necessary for us to gain the data that we need to complete our assessments.

**Mr Cousens:** I can see the job you will have to do. It will be one that implements the government policy of choosing a site, wherever it might be, and then proceeding with that site. What we are doing in this Bill 143 is removing the rights that have heretofore been enshrined in the Municipal Act, in the regional acts and in the conservation acts. All the rights of a property owner that have heretofore been part of Ontario's history are about to be removed by this bill in order to go with a timetable that the government is going to have. To me it is just one of those tragic things that we had hoped and thought that we would obtain a list of those possible sites, which would have assisted us greatly through these deliberations.

Part of the motion that is before us here is that will allow us in the future to have an ongoing sense of knowing where the government is going. You see, there is not much confidence in government, and I have even less in the Ministry of the Environment. Part of that comes with the failure of the ministry to even share with critics of the official opposition and myself matters that are going on within the ministry.

Therefore it would make sense that we begin to put into legislation the formal reporting structure, without establishing a charge to it, that would allow members of the opposition parties to find out what is going on within the government, because as a fact, last week when the tire recycling report came out, I, as the official representative of the Ontario PC Party, did not receive a copy of that report.

**Mr McClelland:** We did not receive it either.

**Mr Cousens:** You did not receive it either. The Liberals did not receive it either. How can it be that the media are circulated on reports that are coming through to the ministry that become public documents and the opposition parties are not being given them?

I had a previous experience of that with the Ministry of the Environment last year. When I raised it in the House

and said that I had been bypassed and had not received the information, I was almost ejected from the Legislature, but left rather than being removed. I was angry and had reason to be, and I was told after that by the Minister of the Environment: "It won't happen again. I'll see that my staff send you the information as it is made public and available." It is one thing to say that, but now a second time within six months I have been not given the information I needed to have to do my job as a critic of the government.

So the honourable motion—it is not an honourable motion—the honourable member's motion really is saying—

**Mr McClelland:** It is an honourable motion.

**Mr Cousens:** No, it is not. I would not want to give you that much credit.

The motion is saying there would be some way in which those reports are made public on an ongoing basis.

Last week, to get information on the Ministry of the Environment through freedom of information, I personally had to write a cheque for \$263 in order to get that information. I might or might not get reimbursed through my legislative funding mechanisms. There is no mechanism through our caucus that I could get it and I personally had to write a cheque for over \$250—\$263 I think it was—for information. That is also why this motion says copies of the report will be made available to the members at no charge.

People say, "Oh, isn't government costing a lot." I will tell you, it is costing me a lot to be a member of the opposition because I could not get the information unless I was prepared to write a cheque for it. That is indeed another example of where the government not only has the information, not only keeps the information, but then when you want to get it you cannot get it without paying for it.

So this motion says that on a regular basis, this government will be in a position that it has to report. Then there can be some sleuth from the local newspaper who can go in say, "Aha, we've got this one opening up in Durham West in Mr Wiseman's riding," and then he or she can report to his riding that they are going to have Whitevale opened or some other site in his backyard. Probably it would be a big shock to him but at least then he will find out what it is, because that is the way his public is going to find out about it.

The motion puts into words a number of concerns that would be addressed so I am supporting this motion.

**Mr Wiseman:** I would like to go back to some of this.

**Mrs Marland:** Does nobody else over there want to speak?

**Mr Wiseman:** Sure they can, if they want to. It is not up to me.

On the revenue side, I would like to clear up some points. To say that I am not concerned about the spending of money is pretty farfetched. I think that one of the things I have shown some considerable concern over is how money is spent and how it is being used. I guess that is one of the reasons I really do support this bill, because I figured out that every single one of my taxpayers, every household in my constituency of Ajax and Pickering,

would pay an \$88 increase in their taxes just to ship waste to Kirkland Lake—an \$88 tax increase for 20 years—and that half of that amount of money would go into the coffers of Metropolitan Toronto.

I have the exact figures somewhere—I did all the calculations—but that is roughly what it would be. It would cost them about \$20 to \$25 to pick the waste up at the curb and to move it to a landfill site; that is what they are paying now. But on top of that, they would then have to pay for its transfer to Vaughan, put it on a railway that is going to cost somewhere in the neighbourhood of \$600 million and ship to Kirkland Lake and then tip it at \$1.10 a tonne.

Interjection.

**Mr Wiseman:** Maybe it is \$50 million for a transfer station, maybe it is not, but that was the number Durham government gave us. Looking at \$50 million for a transfer station, that is almost \$48 per household for everybody in

Durham. To say that I am not aware of the numbers is taking it a little far. Currently Metro is charging \$150 a tonne for Durham and for the other municipalities of Durham to tip in Brock West. It is costing them \$30 a tonne to run the site. They are making \$120 a tonne. That is how Metropolitan Toronto achieves its surplus in its waste management system. I am very cognizant of costs and I am very protective of my taxpayers when it comes to cost. The cheapest way for them to go is to have a Durham-only landfill site.

There was some accusation made here—

**The Acting Chair (Mr Beer):** Excuse me, Mr Wiseman. It is 12 o'clock. I sense that you are moving on to another point. This might be a useful opportunity to break for lunch. We will begin again at 2 o'clock and you can pick up on your comments. We stand adjourned until 2 o'clock.

The committee recessed at 1201.



## AFTERNOON SITTING

The committee resumed at 1402.

**The Acting Chair (Mr Beer):** Good afternoon. We will return. Just before we begin, I would like to get into my second remiss. I do not know whether we allowed three, but there was one other member of the Ministry of the Environment whom I forgot to introduce. Jim, I wonder if you would introduce yourself.

**Mr Merritt:** I am Jim Merritt, acting assistant deputy minister for regional operations with the Ministry of the Environment.

**The Acting Chair (Mr Beer):** Thanks very much. I think we now have identified and accounted for everyone who is with us and helping us through this bill. When we stopped for lunch, Mr Wiseman had the floor. I would ask him to continue his remarks. I just remind those who are watching that we are dealing with the proposed new section 2.1, an amendment proposed by the Liberal Party to that section.

**Mr Wiseman:** I was going to go down this road about the Environmental Assessment Act, because I think there was some confusion created when it was implied that there might not be a full Environmental Assessment Act process on the sites that would be outlined by the Interim Waste Authority, so I would like to ask Jan Rush if she would describe the process again with respect to when the final site is selected: what will happen, how that process will continue and under what criteria it will continue.

**Ms Rush:** Once the Interim Waste Authority has moved from the long list to the short list to the preferred site for each of the three site search areas, we would then proceed to assemble all the necessary documents and materials for the environmental assessment under the assumption that there will be a hearing. We would proceed on that basis and continue to produce information, as I indicated, about the design of the site and all the relevant information that would be necessary for us as a proponent to obtain environmental assessment approval for the preferred site. So the site is not actually the site until we are out at the other end of the hearing, and a certificate of approval would be granted for each of the three sites. That is a successful outcome from our point of view.

**Mr Wiseman:** What would happen at a full Environmental Assessment Board hearing on the site? How would it proceed?

**Ms Rush:** That really depends upon who wants to be heard, but it would certainly be a debate and discussion and questions and probing on the size of the site that has been determined through the analysis of the authority, so that the 3Rs were fully taken into account, that this is a reasonable case to put forward and that the EPA component of that goes through all the technical points about the merits of the site itself. It would presumably deal with the comparison of why all the other opportunities that were available in terms of other potential landfill sites were excluded, whether the process was reasonable and logical, and whether someone who went through the same process

would come up with a similar outcome. Presumably all of those things will be tested at the EA hearing.

**Mr Wiseman:** The general public would have full opportunity to monitor these hearings and to hear what was being said?

**Ms Rush:** Yes, that is my understanding. I am not an expert on the Environmental Assessment Act itself. Perhaps some others from the Ministry of the Environment could help on the details of the process itself.

**Mr Wiseman:** The next question I would like to ask has to do with the draft document we have all been hearing about this morning. My understanding, having read that document, is that the Interim Waste Authority will be accountable for every decision it makes publicly and that any site that is selected or any site that is chosen to go on to the next stage and any site that has been dropped off would have to be accountable and compared to the criteria that are set forth in this document. Is that correct?

**Ms Rush:** Yes, that would be our presumption, that people would want to know that we not only consulted on how we went about doing it, but we did exactly what we said we were doing and a proper evaluation did take place.

**Mr Wiseman:** So at every stage of the selection process the IWA is going to have to rationalize every decision it makes against the criteria one way or the other.

**Ms Rush:** Yes, that will be the bulk of the documents, and again that will be reviewed fully at an EA hearing.

**Mr Wiseman:** If I remember correctly, you said that over the next little while there are going to be more documents coming out clearly defining what the criteria of the hydrogeological makeup is going to be. Is that correct?

**Ms Rush:** Yes. We intend to respond to all the comments through the public consultation on steps 1 through 4, which are the steps that take us from the site search area to the long list, add some more detail to the step 5 criteria, which take us from the long list to the short list, and for the first time put the first draft idea out for consideration of the step 6 criteria. Also, as I indicated, we have been working on weights and ranks of those criteria, so when the assessment is at the comparison, as opposed to the exclusionary process, the weights and ranks will be there.

**Mr Cousens:** I think the real mistake that is being made by the government members is when they say the Interim Waste Authority is going to be publicly accountable for what goes on. We, the politicians of this province, are the ones who have to be publicly accountable. The problem we have is that with the changes in this legislation, we are not beginning to be accountable. We are not beginning to take into consideration the rights of the citizens of Ontario.

We have had presentations from people—oh, he makes a funny-looking face. I will tell you, the faces I saw coming in here were the faces of the mayor of Vaughan and representatives from around Keele Valley. I saw representatives from York region and King City. I saw them from Mississauga. Two hundred representations came in here

making statements. We are the ones who have to be publicly accountable. What we are getting to be publicly accountable with is giving the power to the Interim Waste Authority. I do not like it. It is not an interim waste authority; it is a long-term authority. They are going to be running it for ages. We do not even know what it is going to cost. It is going to cost hundreds of millions of dollars before we are finished because no one has even said what it is.

Interjections.

**The Acting Chair (Mr Beer):** Order, please.

**Mr Cousens:** I resent the way in which you are saying that the Interim Waste Authority will be publicly accountable. That is not who is accountable.

Interjections.

**The Acting Chair (Mr Beer):** Order. If I might, I want to remind honourable members that everyone will have an opportunity to speak. I think one can set forward one's own arguments. If you wish to respond on either side, there is plenty of time. Remember, every member can speak. Mr Cousens.

1410

**Mr Cousens:** The point I am trying to make is that we are the ones who are accountable. We are accountable to our electorate and we are accountable to the traditions and history of the province of Ontario. The kind of documentation I am receiving and we are receiving from this government on the justification of this bill, on why we need to proceed with it, is just unacceptable. Then I come along and we have the honourable member pontificating, saying the Interim Waste Authority will be publicly accountable and that is really the hope we have for the province. I do not want to see the rights taken away from the people around this province who want to be defended and protected.

Those rights at this point in time are protected through the Municipal Act, through the Regional Municipality of York Act, and Durham and Peel and wherever, and what is happening is that they are all being taken away, as if bureaucrats, public servants of the province, are going to be the ones who are going to be publicly accountable. That is not the way the system works. We are the ones who have to be publicly accountable. I want to be accountable to my electors, because I believe their rights are more important than anyone's rights. They have a right to be able to say, "You can't come on my property," or, "You can't take away those rights that are enshrined." That is the kind of thing we have been saying on this side of the House, and I sit here and hear the honourable member saying, "Well, they're accountable."

The process we have been following for the last three weeks through public hearings is one where we have had presentations that have given us a chance to know that the public does not like this bill.

I do not think there is any hope this amendment is going to carry. I do not think there is any hope the government is going to change its mind. There they are with 38% of the popular vote on September 6, 1990, and they are

jamming through this bill without consideration for what the large majority of people want and need.

We come along and we have seen it all happen. We have the ecoterrorists sitting over there with the New Democrats. We have them with their technopeasant approach, and there is not a thing we can do about it over here except scream and shout and shake our hands. The fact of the matter is that at the end of the week it is all going to be carried. You are going to carry your own way, but when you justify it, Mr Wiseman, with the sense that the Interim Waste Authority will be publicly accountable, that is not where I stand.

I want the politicians to be accountable. I want the minister to be accountable, because what is happening is that we are shoving it off to them. They will make the decisions. They will spend the money and then they will send the bill back to York region or Peel or Durham or somewhere else and they do not have any involvement in it. I want the politicians to have their finger in this, and then we rise or fall based on what we do, but now what has happened, as far as I am concerned, is that we are just giving the ship away. You said earlier this morning \$12 billion over 20 years for tipping fees. No sense is being taken of the kinds of dollars that are being thrown out the window on this bill. We are taking away guarantees of civil rights with this legislation, and I just continue to get upset every time you open your mouth.

**Mr O'Connor:** I am glad to have an opportunity to speak at this time, because during the period just before lunch we heard an awful lot of rhetoric, and I think if we have anyone watching today, you can see some people viewing politicians and you have seen the rhetoric flying. I think it comes to the point where they do not want to see that any more.

If we want to deal with exactly what the task is before us, we are going through clause-by-clause of this bill and the amendment that has been put forward by the Liberal caucus is calling for a reporting to take place every four months. I think we have heard from the Interim Waste Authority that the reporting process it has been going through is a very commendable process. It is a process that perhaps you see some flaws in. I would suggest that if you have seen some flaws in it, then perhaps you have attended or somebody you know has attended some of the meetings the Interim Waste Authority has conducted all throughout the GTA.

I know that when I go out in my community and talk to some people—for example, the York Federation of Agriculture raised the issue and talked to me a little bit about the process the Interim Waste Authority is going through. There are an awful lot of people who have been covered through the consultation that has been taking place so far, and they are glad to see they have had an opportunity to take a look at the criteria long before sites are going to be named. This is a very good process, and it is a process we have heard people who have come to this committee saying is a process perhaps they should be following themselves.

We get an awful lot of coverage. When people watching this committee hear us saying that perhaps our municipal politicians are not spending their money wisely by



going through the process of having consultants do a lot of work, as they have in the past, I do not think that is appropriate. I do not think it is appropriate for anyone from this level of government to be pointing a finger at another level of government.

All the studies that have taken place so far and the information gathered by them have been put to good use by the Interim Waste Authority. When somebody says we cannot trust our bureaucrats, I think we are in a very shady situation, and we have reason to fear, perhaps, if we do not trust them. But I think we have to trust some of the work done by our bureaucrats, and it comes to a point in time when we should be able to trust the valued input of people who are working for the bureaucracy and people who are doing some consulting work for some of the bureaucracy. That is money well spent.

If it is going to come to the point that at the end of the day we are going to have a landfill site that has gone through an environmental assessment and been approved, and it has had room for public comment throughout the whole process long before it gets to the environmental assessment, I think it is something we should be proud of. I do not think that we should be wasting an awful lot of time on it.

The honourable member here has brought forth an area of concern because he wants to make sure the public has as much room for reports coming to it so it can comment as often as possible. The IWA has set up a process, and we have heard from the IWA this morning. The process is good; it has worked. They have explained some of the technical areas around it, and I do not think there is any reason we should be wasting an awful lot of time on this.

We have an awful lot of the bill to go through, and if we want to have a meaningful debate on all of the bill, then I would suggest we continue going through clause-by-clause and hearing amendments from all sides. I appreciate the amendments as they come forward because they point out that we have an area where we have to be accountable and there is an accountability process that has been built into it, and we have heard from people from the IWA that it is good.

You are right that at the end of the day the government of the day will be judged upon that, and that is what is going to happen. But as far as the rhetoric is concerned, maybe we can tone that down a little bit and get down to the business we are here for. Of course that comes from all sides of this committee room as well. Anyway, sorry; I did go on a little bit.

**The Acting Chair (Mr Beer):** Perhaps we should exclude that side.

**Mr Wiseman:** I think this little interchange has been rather interesting in terms of what it demonstrates. I think that process is absolutely crucial. I think what we as politicians are elected to do is to set up and put into place processes and systems that are fair and that will allow for public involvement, will allow people to put their opinions forward and be heard, and then for decisions to be made against the criteria within the process.

I have been a champion of this process all the way back to when I first described it before Metropolitan Toronto council back in 1988, about having criteria available so that everybody will know what the criteria are, so that when they come before whatever authority is using the criteria they will be able to hold the information up on the site and say, "Hey, this doesn't meet the criteria," or, "It does meet the criteria," but they will be able to judge it against the criteria.

I will tell you quite frankly that I am sick to death of politicians who think it is their role to stick their fingers into the process and meddle with the process. All that does is give you site P1 or site 6B. It does not give you any criteria that will stand alone against the valuation.

**Mr Cousens:** How about Keele Valley, Jim? Where was the process there?

**The Acting Chair (Mr Beer):** Order, please.

**Mr Wiseman:** I am going to go on with what I was going to say. When it comes to the long-term sites they are looking for, no one I have been associated with in this battle over the last four years has ever said, "Not in my backyard." All they have said is that there must be a process that is equitable, fair and will allow decisions to be made against the judgements of those processes, against what is in the document and not by an Alan Tonks, a David Peterson or a Gary Herrema sitting behind closed doors and pointing to P1 and saying, "We'll put a landfill site here because the province happens to own the property." When you talk about politicians being involved in it, that is what comes to my mind. What we are establishing here is a process which will allow the individual taxpayer, the ratepayer, to come before the committee and judge something on the basis of criteria they have helped to produce.

For me to say I want to meddle in the system to the extent that I will choose where the landfill site goes, or use the political power I have or political influence to say—

**Mr Cousens:** No one has said that. What we're talking about is a full environmental assessment.

**Mr Wiseman:** That is what you are going to get.

**The Acting Chair (Mr Beer):** Order, please.

**Mr Wiseman:** To say that politicians should come and meddle in the process to the point that P1 was is not acceptable.

1420

**Mr Cousens:** On a point of order, Mr Chairman: That is not the kind of statement I was making and I think he is misunderstanding—

**The Acting Chair (Mr Beer):** Thank you, Mr Cousens. That is not a point of order. Members have an opportunity to comment on the matters at hand, including what other members say, and I am quite happy to put people on the list. Mr Wiseman.

**Mr Wiseman:** I have completed my comments, Mr Chairman, and look forward to—

**The Acting Chair (Mr Beer):** Thank you. Mr McClelland.

**Mr McClelland:** Just for the record and for what it is worth, I think Mr Cousens was talking about accountability. Meddling, I think, is a far cry from accountability. It seems to me that for Mr Wiseman to try and stretch the assertion of Mr Cousens that those of us elected to office to serve our constituents, in the entire province of Ontario, ought to be accountable and to say that implies meddling is one of the greatest leaps of semantic meandering I have ever seen.

**Mr Wiseman:** Probably second only to the one you are making now.

**Mr McClelland:** The fact of the matter is that Mr Cousens has said something pursuant to my amendment. We have a responsibility as members of the Legislative Assembly of Ontario to make information available to the public dealing with spending thousands upon thousands, indeed millions of taxpayers' dollars. The parliamentary assistant says he is satisfied that there is ample opportunity for a reporting process.

My question, then, is to the parliamentary assistant. Bring forward your own amendment. Let's have it right now, and tell us what kind of reporting process you are going to have. If you do not like the one I have put forward, and presumably you will not like the one my colleague is going to put forward after you defeat my amendment, tell us what your amendment is going to be that will enshrine in the legislation the opportunity for the public of Ontario to be informed of what is taking place with their tax dollars. The Interim Waste Authority has said it is going to spend enormous amounts of money; it is not exactly sure how much. It knows millions, perhaps billions, of dollars will be involved ultimately.

We are saying people have a right to know what is happening with that money. We know up front that \$17 million has been allocated and that may not be enough; it may be \$20 million for the first year of operation. That is not small change, Mr O'Connor, and the people of Ontario ought to know what is happening with that money. It is part of your responsibility. It is not meddling; it is your responsibility as a member. It is the responsibility of the government of Ontario, of the Ministry of the Environment, to tell people where that money is going.

You do not like the reporting process we have suggested. You say you are prepared to report. If you are not afraid of it, enshrine it in the legislation. Tell us how you are going to do it and give us your amendment that will have some sort of reporting process. You have said you have no problems with it, that you have confidence in the IWA. So be it. Put it down on paper, then. Put your money where your mouth is. Write your amendment so that you are prepared to live by what you have just said you are prepared to do. If you are prepared to accept what the IWA is going to do, put it on paper. Put it in the act. Make them report. As Mr Cousens said, make them accountable.

You and I, sir, have the responsibility to let the people of our ridings and indeed in the entire province know what is happening with their money. It is not your money; it is not the IWA's money. It is the money of the people of

Ontario. They have a right to know. Put it in writing. Give us your amendment.

I am prepared to give you a few minutes right now in a recess, if you want, so you can draft it with the assistance of your colleagues. Give us your amendment, but let the people of Ontario know what you are doing with their money.

**Mr Cousens:** Well said.

**Mr O'Connor:** Mr McClelland, thank you for the opportunity for a brief recess to talk about this, but I think that if we, all the committee members around this room, were realistically listening this morning when we heard the chairman of the Interim Waste Authority talk about the reporting process it is going through, there is no need for us to put in cumbersome roadblocks that are not going to allow it to do some of the work.

I do not know whether you have been through this or taken a look at this document. Let's take a look at it. There are many steps set out in it. There has been an awful lot of room for reporting, and each step goes through slowly. It talks about agriculture, the biological, the geological, the land use, the social, and each area that is going to be taken a look at has a process for them to go back to the people they originally consulted with.

Maybe what we should hear from the Interim Waste Authority is the number of meetings it has held throughout the GTA and perhaps the people who have responded, because I notice right in the first page of this book it has a 1-800 number put out to make sure we can get a fair comment by all the individuals who are concerned about this.

You are right that we should be accountable for it. We are about as accountable as we possibly can be without making things any more cumbersome. I do not think we need to dwell on that, but maybe we can hear from the Interim Waste Authority one more time about the process, step by step, it is going through in accounting.

**Ms Rush:** As I indicated before, section 5 of the document outlines the public consultation component. In that, it talks about the publications and documents that will be released through the process. The first one is EA document 1, which is the document we have that talked about the process and the criteria we were to use, the criteria for steps 1 through 4, which allowed us to go from the site search area to the long list of sites. It also indicated the process we intended to use.

In consulting with the public we had 28 open houses. We had 12 workshops. To date, including this document and a newsletter we have produced, there have been over 15,000 documents or newsletters sent out to various people. We also have a 1-800 line, as you mentioned. We have advertised in the local press for each of the meetings we were going to hold.

I can repeat that the next document will be EA document 2, and that will contain the response to all the comments we have heard in terms of the process and the criteria. EA document 2 as well will apply those criteria and identify what is known as the long list.



The next document will be the same sort of thing, the response to all the public consultations which will have occurred in that period and a further review and refinement of criteria to get to the short list. The document after that will do the same thing, go through the same process to come to the preferred sites. The final documents will be the conceptual design for the preferred site and the preparation of the environmental assessment overview. Those are outlined in some detail in the first document I described, and we will continue the process.

Also, as we get further in the process, our availability as an authority to the public will be increased. We will be opening local offices as the process gets more and more refined.

**The Acting Chair (Mr Beer):** Mr McClelland has a brief supplementary that he wants to ask and I thought we could cover that. Mr Wiseman wishes to speak, and so does Mr Cousens. I am conscious again, just as a matter of fact for the committee members, that Mr Cousens also has an amendment somewhat similar in nature, and possibly after he has spoken it may be the will of the members that we vote on this particular amendment and move on. I of course leave that to the good judgement of the members of the committee.

1430

**Mr McClelland:** I simply want to say the following for the record. I do not see a reporting mechanism involving the importance of the issue before us as a cumbersome roadblock of any sort whatsoever. I think the least we can expect is for the government to be forthcoming and open. If it has the confidence in the process that it claims to have, surely it would have no fear of putting that forward in some sort of prescribed format available to the public and tabled with members of the Legislative Assembly.

If there is something they are not sure about and there are some uncertainties, I can understand the parliamentary assistant trying to hedge his bets by saying, "Well, we'll depend on the process and talk to you about how many people we've talked to." That is not what we are talking about here. We are talking about a report that among other things sets out moneys received and moneys expended on behalf of the people of Ontario. That to me is not a cumbersome roadblock. It is simply something that admits very plainly, "We are a government that believes in our process. We have nothing to fear, we have nothing to hide and we are going to make it available to the people of Ontario in a very plain and forthright manner." If that is not the case, then I understand why the parliamentary assistant is saying, "Yes, but we'll hedge our bets and we'll handle it the way we're handling it."

I say again to the parliamentary assistant, if you have nothing to fear, then come forward with your own amendment. Put forward how you are going to make some factual information, including financial reporting data, available to the people of Ontario. Quit playing games with the people of Ontario. Let them know where you stand and let them know what you want to do.

**Mr Wiseman:** I would like to make a little comment about the process for the viewers, because they are probably the only ones listening.

The process for reporting will be included in Bill 143. It is included in Bill 143 when the Interim Waste Authority is set up as a crown corporation, because when the authority is set up as a crown corporation, it gives it the legislative right to exist. That means what it is doing, including this document on the draft report, becomes legitimized through law and allows it to continue its work. Then within this document, as Jan Rush has already indicated a couple of times, section 5 indicates what the process is.

For my constituents who may be interested, the 1-800 number is 1-800-661-9294. It will allow them to phone where they can receive information updates and leave messages or speak to the members of the Dillon team that is doing the work. They will also be allowed to come to public consultation meetings—in fact I have already attended three, one in Durham-York and two in Durham—which allow them to ask questions rather freely, without any kind of structured format. The members of the team are freely available to discuss any issue for almost any length of time, if they feel the need to, and to have input. These meetings have been taking place.

At the end of all this, the information will be put into public libraries. People can access the information there and continue in the public consultation process. Newsletters will be sent out, and these will inform the public what stage the Interim Waste Authority is at. There will be workshops. There are liaison committees and a whole host of other ways the public can be involved in the criteria site selection search.

Now, they say to be accountable. In the long run, whether this process of finding a landfill site is successful or not, we as elected members are going to be accountable. We as a government have decided this is the process we want to use to find the long-term sites and we have decided we are not going to use previous processes or previous ways of doing it. So we have put our political reputations on the line, because if this process does not work, to be quite blunt, there will be no landfill sites. There will be a huge crisis, a huge problem which would come back to haunt us at election time.

I can tell you that in terms of what I would like to defend in front of my constituents, I am much more prepared to defend a process that has the criteria clearly defined, clearly set out and has allowed the maximum amount of consultation and public participation than I am to try to defend the previous process, which my constituents found indefensible and which is why they voted for me.

Hey, let's be really up front. If you want political accountability, ultimately the process is going to be politically accountable. We will be held up as to whether or not we put into place a process that was fair, equitable and honest and led to a reasonable determination of a landfill site.

The last thing I would want to do is to go out into my community and tell them I had stuck my finger in the pot and started to stir it to find the landfill site because of the

fact that I was just elected. That is not what I deem to be the role of a politician, to meddle in that kind of micro way in terms of determining the fates of people.

For me the process has to have criteria against which everything can be judged, and that is what the Interim Waste Authority document does. When I first read this document, I guess it must be pretty close to eight or nine months ago, I was extremely pleased because it contains within it a great deal of the philosophy and a great deal of the approach that I said must be followed if we are going to be successful in finding a landfill site.

I am going to say that I think it is accountable. I think the people, the electorate, have a wonderful opportunity to be involved in the process of decision-making as they have never been involved before. I look forward to working with my constituents when the long list of sites comes out in Durham and to helping them come to an equitable and fair resolution of the landfill crisis, which is too long overdue in terms of being solved.

**Mr Cousens:** The new rights of process that Mr Wiseman is so proud of are going to be reduced rights from what you have under the laws of today. You have to look at section 18. This act will take away all rights as they now exist under the Municipal Act, the Planning Act and the regional municipality acts. It will override any conditions applicable to any system or site. It will impose any condition that a regional, metropolitan or area municipality might have imposed under an act referred to earlier.

I have never heard of a system where so many rights are being removed. You can talk all you want. People will be able to go and have all the conversations they want with government or with these consultations that my friend, Mr O'Connor, talks about. You can talk and talk and talk; the power of what you are talking about is taken away. It all now resides with another group, the Interim Waste Authority, or appointees of the ministry. It is removing those rights. For that reason I will fight this bill. There are only a few days left to fight it. I disagree so strongly with what Mr Wiseman has said because that is the fundamental human right that is being taken away from the people of Ontario with Bill 143.

**The Acting Chair (Mr Beer):** If I might then call the amendment, shall the amendment carry?

Interjections.

**The Acting Chair (Mr Beer):** Under the circumstances, there is a 5-5 vote and it falls upon the Chair. The tradition is that the Chair sides with the status quo, and being 5-5, that amendment would not carry, so the amendment fails.

Motion negatived.

1440

**The Acting Chair (Mr Beer):** Mr Cousens moves that the bill be amended by adding the following section:

"Waste management strategy

"2.1(1) The corporation shall within four months after this act comes into force, complete a waste management strategy for the municipality of Metropolitan Toronto, the regional municipality of Durham, the regional municipality of Peel and the regional municipality of York.

"Environmental assessment

"(2) Before the end of April, 1993, the corporation shall submit an environmental assessment for the strategy referred to in subsection (1) in accordance with subsection 5(1) of the Environmental Assessment Act."

**Mr Cousens:** The first part of my amendment is very similar to the one that was just defeated and so I will not repeat it for the sake of the time of the committee, to allow us to move quickly along to other amendments. On the other hand, the second part of our amendment is that within a year the Interim Waste Authority shall have selected one or more landfill sites within the greater Toronto area for consideration that would be brought before the Environmental Assessment Board.

The environmental assessment shall consider all alternatives to landfill sites within the greater Toronto area, including the possibility of transportation of waste, which is subsection 5(1) of the Environmental Assessment Act. That would mean there would be some room for Metropolitan Toronto to look at other ways of disposing of its waste rather than just having to have it for Keele Valley or Britannia or Whitevale or Rouge Valley or some of the other sites that will probably be named by this government.

What I am really doing is allowing the government to have the option to open up other places for consideration for a landfill site outside the greater Toronto area—a very subtle way of doing it. Unfortunately I have to explain it so that the New Democrats will now understand what it is all about, and then probably vote against it. It is one way of handling the disposal of waste so that whenever we are looking at a landfill site within the greater Toronto area, we then have an option if there is a better site outside it that we can look at. Rather than have walls on our thinking and blinkers on our eyes, we would be in a position to look beyond that.

I see it as an amendment with good intent and hope there is some support for it.

**Mr McClelland:** I too share, interestingly enough, Mr Cousens's sentiment with respect to this amendment, considering the first part is in some ways similar to the motion I moved that was defeated, although I think it does something a little bit different. It goes beyond what I suggested in one respect, in terms of reporting mechanism, but also puts upon the Interim Waste Authority a responsibility to come up with a waste management strategy for the greater Toronto area within a four-month time frame.

I think that bears some comment inasmuch as one of the criticisms we have heard about this legislation, from municipalities particularly, is that they are going to be left with the responsibility, in all probability, of carrying out the operation of a system put in place by another body, that system being the Interim Waste Authority.

That being the case, the municipalities would also like to know what other items will come to bear on their waste management policy and their funding, their tax base, their personnel requirements—any myriad of things the municipalities want to know to be able to conduct their responsibilities in a businesslike manner.



Accordingly, I think this particular section that requires the cooperation, the involvement, in fact lays the responsibility at the feet of the IWA to have that strategy brought forward, is very commendable. I congratulate Mr Cousens for coming up with this idea.

I think what it does is it ties in what is essentially one of the basic principles the minister referred to yesterday. I do not happen to share it, but the principle basically is saying, "We're going to take over and we're going to dictate how you shall operate." But what it does is take it a step further. It says: "Having presumed that you're going to dictate to municipalities how to operate the waste management, we'll also accept the responsibility of providing a comprehensive waste management strategy. In other words, we're not going to leave some pieces with you and we'll pick up the pieces that we want and we'll send you the bill."

What Mr Cousens's motion is saying is that if you want to run with the ball, you take the whole ball of wax and deal with it. I think that is commendable.

The second part of Mr Cousens's amendment says basically what has been a point of contention throughout this whole process. The question remains, does this government believe in environmental assessment or does it not? If it does, it will have no difficulty with subsection (2) of this amendment. If they do have some difficulty with proceeding with a full environmental assessment, they are not going to support this.

It will be interesting to see the outcome and see how the government votes on this particular amendment. We have heard much lipservice paid to commitment to principles of environmental integrity in terms of site selection. Here is the proof right here. Prepare to come forward with a site and refer it under subsection 5(1) of the Environmental Assessment Act. Let it stand or fall on its own merits. If you believe in the Environmental Assessment Act, there will be no problem with this amendment. I will be curious to see how the government responds to Mr Cousens's motion.

**Mr Wiseman:** I totally disagree with the assumptions the member has made. There are a number of things about this section. I was not really going to speak on this until Mr McClelland provoked it.

What this amendment appears to be trying to do is to broaden the mandate of the Interim Waste Authority to that of master planning for waste management and to have it do it in four months. That is an impossibility. That simply is beyond what we envisage the Interim Waste Authority doing and therefore this is not acceptable. The other thing is that it also appears they want the IWA to be responsible for the 3Rs planning as well. That is not what the IWA is there for; that is what the waste reduction office is there for. They are separate for very good reasons and we heard the reasons. That is because you cannot have one doing the job of the other or doing both jobs because they are not mutually exclusive.

I am going to leave it at that. We will not be supporting this amendment.

**Mr Cousens:** Is it not funny, four months? I remember the days. Margaret Marland yesterday made some comments about how Ruth Grier, who was then critic for Environment, had answers for things and could quickly come up with solutions. Now that she is minister—she has been there for well over a year and a half—we still do not have much of a solution. We are saying four months to try to do something and put it together. When she has the resources she has and the kind of skilled people, either on staff or on consulting, and the millions of dollars that are being spent, four months is really very possible.

**Mr McClelland:** Change it to six.

**Mr Cousens:** If we want to just argue the time, I like your suggestion, Carman. If six months is what you need, I would have that as a friendly amendment. We could change it to six months if that is the agreement Mr Wiseman would like to have.

**Mr Wiseman:** This amendment goes in the entirely wrong direction.

**The Acting Chair (Mr Beer):** Are you formally amending your amendment?

**Mr Cousens:** I thought there might be some hope there but I sense there is not.

**Mr O'Connor:** I think four months to come up with a complete waste management strategy is pretty optimistic. I would like you to go down and speak to the mayor of Kingston and suggest that she could possibly come up with it for the problems they have within four months. The process is much more involved than that.

**Mr Ramsay:** They don't have a problem.

**Mr O'Connor:** They have a problem. The whole purpose behind this is to talk about local responsibility. If we are ever going to change the mindset that we have on responsibility, it has to be treated as close to the source as possible. That is something that is stated in the principles of this. The minister spoke about that in her opening statement.

One other area that kind of intrigues me is when you suggest that the IWA would be given authority to go beyond the GTA. You sound like you are referring to how they might have powers over municipalities far beyond what is even suggested.

Mr Wiseman has touched on an awful lot of important areas around this. We have to make sure that the defined powers as they are in the bill are a credible process. To make it more cumbersome by what you have put here in this amendment I do not think is supportable at all.

1450

**Mr McClelland:** That is a very curious statement by the parliamentary assistant. We had of course an amendment that would have recognized the reality that the implications of this act are for the entire province, and now he is saying: "Mr Cousens' amendment would yet again recognize that reality. It would override some of the powers of municipalities and that would be a problem for them."

Just looking to make sure I have the right act here, section 17 of the act talks about the Planning Act, and that will not apply. An act or regulation or anything designated under this act and the Ontario Municipal Board Act will

not apply. The statement by the parliamentary assistant that municipalities would be concerned about overriding their legislative authority is beyond curious; it is almost absurd in light of what this act does. What this act says to municipalities is: "I'm sorry. You don't have any authority left. We're going to tell you how to do it and when to do it and the only thing you're going to get to do is pay the tab." I find that statement remarkable, to say the least.

The four-month statement, as Mr Cousens said—I just hasten to add, it was not too, too long ago, less than two years ago, that the now government had all the answers almost immediately. It was absolutely no problem to come up with the solution for every problem, whether it be environmental or whatever, just basically at the drop of a hat.

I think Mr Cousens is being very generous. To hear the rhetoric of the now minister from two years ago, the problems could have all been solved. In fact, I remember her saying, "Give me the ministry and I'll have the problem solved within a year." I do not have Hansard in front of me, but I assure you, Mr Chairman, that I sat in the House and listened during an emergency debate where the minister said that if she were minister, she would have the problem solved and dealt with in its entirety within a year. I think we heard something about the food banks that similarly said, "Give us a year and we'll sort that one out too."

We do not understand why four months is not enough, but I would be prepared to go with six months or whatever they think they need to come up with all the answers that were so readily available not too, too long ago.

**Mrs Mathysen:** I would like to say that I am fascinated by the opposition's belief that it can turn that four- to six-year waste management master planning process into six months. I would suggest that they have a future with Mr Doug Henning and the maharishi, because it is magic.

I would like to ask the opposition members if they have really given this proposal some consideration, because it seems to me they are proposing taking even more power away from the municipalities. It is the municipalities that are responsible for waste management master plans. Have they consulted with municipalities about this? Are they prepared to answer that?

**Mr Cousens:** I am pleased to answer that and I appreciate it. In fact, if you read the next amendment I have, it leads it forward, which would mean that over the long term we would seek to remove certain powers this government will give to the Interim Waste Authority, and that is, "The corporation shall not operate or manage any landfill waste disposal sites," which will be putting far more power back on the municipality.

Certainly in the planning process, when I saw what Mr Ferguson and Metro Toronto came and talked about and I saw what Eldred King from the region of York had to say, I saw all those areas as having gone a long way through the Solid Waste Interim Steering Committee and the other agencies that have been established over the five years. They had a good head start on how they were going to solve the long-term landfill problems. In fact, on the one in particular, Ruth Grier, when she was minister, in January, just a year ago, was suggesting to Metro, "Go ahead and

keep looking at the rail haul option for looking after disposal." So those were options that were really well under way until the minister, during the course of the year, changed her mind on it. That really was an example where she was moving towards the municipality having control over it and then she withdrew on it.

My desire is that this whole process will involve each of these municipalities and that we all begin to become part of the solution rather than part of the problem. In spite of the fact that other parts of this bill preclude consideration of other parts outside the greater Toronto area, my desire in this bill is that this strategy that would be developed would be in the spirit of the earlier developments where we had the municipalities coming together under the greater Toronto area trying to find a solution together on it.

**The Acting Chair (Mr Beer):** Can I put the question then? Shall the amendment carry? Those in favour?

Motion negatived.

**The Acting Chair (Mr Beer):** Mr Cousens moves that the bill be amended by adding the following section:

"Limitation on the corporation

"2.2. The corporation shall not operate or manage any landfill waste disposal sites."

**Mr Cousens:** I am referring to the Interim Waste Authority being the organization that is going to be responsible for the development, the finding, the research, the environmental assessment that goes into obtaining a landfill site. What I would like to do is just confirm the general intent Ms Rush referred to this morning on earlier questions, that in fact it is not the intent of the Interim Waste Authority to manage and run these sites. Therefore, what this amendment very simply does is put into writing, into fact and into law that it would limit the powers of the Interim Waste Authority to the very objective of searching for and establishing waste sites in the greater Toronto area, but the Interim Waste Authority shall not manage or operate these sites as that would intrude on the area of municipal responsibility. I really appreciate the way Ms Mathysen earlier raised that question about municipal responsibility. This would be a way in which the municipalities would be able to have some control over their destiny.

I think that the ambiguous role of the Interim Waste Authority is further justification for the release of the ministry discussion papers before third reading of Bill 143. If we had the municipal affairs discussion paper on statutory authority, it would give some directives on the future role of the Interim Waste Authority. Since that is not available right now, we are in a position instead to at least carry forward on the intent that government members and staff had indicated was really the future direction of the Interim Waste Authority. This amendment would mean that the Interim Waste Authority is not going to operate or manage any landfill waste disposal sites. It makes it very clear then that the money that comes from those sites does not go back to the government coffers, this \$12 billion that the member for Durham West was talking about earlier, that in fact this is going to stay at the local municipal level.



Otherwise what is going to happen is that there is a high probability that the government will just not get around to following through on those kind intentions of letting the municipalities run their own disposal sites. Then the moneys will not go back to those local municipalities. It is a cash cow. Mr Wiseman said \$12 billion will be coming into the coffers over the next number of years. Are those moneys going to go to the province or to the municipalities that are really paying the bill? I think this amendment should be a very simple one for the New Democrats to accept. It is certainly the way they have been talking and I look forward to their support on this.

**Mr O'Connor:** I think the member for Markham has raised an interesting point again, as he always seems to be able to in the committee process. I believe when we heard this morning from the chairman of the IWA, Jan Rush, she was talking about the process of negotiations that has to take place between the IWA and the region. I think we have to be realistic about the process through negotiations. No one knows exactly what is going to happen until the negotiations are complete. That is why, the way the legislation is laid out, I do not think we could support something like this, because it would preclude any sort of negotiations. I think there was to be a negotiation point and a process that have to be followed through. I cannot support this amendment, but I do appreciate the interesting points he has raised.

**Mr McClelland:** May I ask the parliamentary assistant then if it is reasonable to expect and if the possibility exists that the Interim Waste Authority may then in fact operate or manage landfill sites, in which case it would no longer, I presume, be an interim waste authority, but rather be a permanent waste authority for the province, or at least interim for 20 years. Is that a fair assumption? Based on the fact that you are not prepared to support Mr Cousens's amendment, the only reasonable conclusion is that the Interim Waste Authority may in fact operate and manage landfill sites. Is that true? Let's take this a step at a time.

**Mr O'Connor:** You are trying to change it around such that you are assuming the government plans on taking over all waste management. That is not the case at all. 1500

**Mr McClelland:** No, I am asking the question. I am not trying to prove anything, Mr O'Connor.

**Mr O'Connor:** Okay. The Interim Waste Authority has been given the mandate to search for long-term landfill sites in the regional municipality of Durham and York, Metro and Peel regions. There are going to be negotiations taking place with the regional municipalities to allow them then to assume responsibility for waste management. In fact, there is a great deal of cooperation that takes place between the government and the regional municipalities around waste management. Part of the problem we had in getting to the point where we would come up with that long-term solution was the need for transfer stations and studies to take place, and we saw an awful lot of cooperation from the municipalities. There is no reason for us to believe at this point in time that the IWA would be taking over any sort of waste management from the regional mu-

nicipalities. The regional municipalities will go through a process with the IWA.

If you again want to get some clarification from the chair of the Interim Waste Authority on that point, I am more than willing to sit through and listen to it one more time. The process has to be negotiated through. Until negotiations are complete, I am not willing to say whether the municipalities are willing to accept that responsibility. It is a process that has to be negotiated. It could very well be that the province does end up—but it is not at all the intention at this time.

**Mr McClelland:** All right, I appreciate that. It is fairly forthcoming, all things considered, that you are saying on the record there is a possibility the province may end up in fact operating and managing landfill sites. That could be the outcome of Bill 143, that the Interim Waste Authority, the corporation, would then ultimately become the arm. That could fall out of this process then.

**Mr O'Connor:** Of course, it has to go through the negotiation process as well.

**Mr McClelland:** That negotiation process, I presume, would be similar to the negotiation process up to this point in time where the province has said, "This is how it is going to happen."

**Mr O'Connor:** We talked pretty extensively, I thought, about the process and involvement. If you want me to talk about some of the involvement municipalities have had in coming up with even the draft criteria, there have been briefings to municipal councils around the issue. All information that it has been possible to make available on what the IWA has been doing for the municipalities has been readily accessible for them. I have no reason to believe the negotiations are not going to be a reasonable process, as all the processes up to this point have been.

**Mr McClelland:** I find that interesting. Mr O'Connor, you were sitting here when people from AMO and municipal politicians were here who said that the only reason they found out about Bill 143 was by accident. The president of AMO said it was because of somebody on the Liberal research staff who sent them a copy of the bill. That is how they found out about it. So it would be that same kind of consultation you are talking about.

**Mr O'Connor:** Would you like to read the name of the act?

**Mr McClelland:** That is fine. I appreciate that point being very clear on the record, that the municipalities can expect the same kind of communication and the same kind of negotiation. I am sure they look forward to that.

**Ms Haeck:** I really think there has been some very purposeful obfuscation on the part of Mr McClelland.

**Mrs Marland:** What is the word you used?

**Ms Haeck:** "Obfuscation," clouding of the issue. In fact, what Mr O'Connor was saying was that negotiations will be going on with the municipalities, and the choice was made to read into this that somehow the IWA would now be running all the landfill sites in Ontario. I would like to turn to Ms Rush and ask her to explain. Possibly Mr McClelland would be interested in actually listening to her

explanation about how the negotiations have proceeded so far and how they will proceed in the future.

**Ms Rush:** It is my understanding the government's intention will be to proceed with negotiations. I am not sure exactly who the agents will be. We have not been involved in negotiations to date, partly because of the issues surrounding this bill. I believe negotiations will begin as many of the other items that are necessary pieces of this puzzle come forward from the Ministry of the Environment, as has been indicated to the committee. So I cannot add too much at this point.

**Ms Haeck:** But it is a negotiating process with the municipalities as far as who will ultimately operate and manage the various—the IWA is not the—

**Ms Rush:** That is right. The IWA is the agent of the government to undertake the mandate as described in this bill.

**Ms Haeck:** So it is not as Mr McClelland—I must admit I am putting words in your mouth. Mr McClelland indicated the IWA is going to be the permanent runner, the permanent manager of all these landfill sites, and I suspect that is not really your personal intention or the IWA's.

**Ms Rush:** In the incorporation, under the Business Corporations Act, our objects do not use the word "operate." Our objects talk about "search for, select and establish." As has been indicated, that was a deliberate statement so the field would be as open as possible for negotiations between the government and the regional municipalities.

**Mrs Marland:** I think when we get to have the privilege of reading today's Hansard, we will probably find one of the more pertinent statements on record by the parliamentary assistant when he very accurately stated that there had been consultations with municipalities around this bill and the proposals in this bill. I think that is absolutely right. There have been consultations around the issue and the subject matter of this bill, and that is the concern the municipalities and everyone else who is impacted by this bill have been stating.

As we all know, as we sit here, we would not even be in this forum if it had been the government's will that had been followed. It was not the government's wish that we sit here on television and go through this bill clause by clause. It was not the government's wish that we have open public hearings at which we could invite the public to participate and state their questions or their concerns or their support. How interesting that the major concerns with this legislation are from those very municipalities that are going to have to work within this legislation. So obviously, when you say there had been consultations around, you are absolutely right, Mr O'Connor, they were around the issue.

I think it is pathetic when we look at the power this bill gives to the authority and, obviously, logically to the government. Even to "search for, select and establish," which were the words Ms Rush just used, is pretty scary, is it not, because the government is going to search for, select and establish. It is going to do everything except pay for it. It is going to search for, select and establish. It is going to decide arbitrarily what kind of waste management every municipality will have in this province, whether or not it

can afford it, whether or not it is a high enough standard for the wishes of the people who live within that municipality, or whether or not it is totally 180 degrees in the opposite direction, which is what we know is the case in one municipality in northern Ontario.

What we are dealing with here is a typical example of Big Brother having the power and saying: "This is how it will be. Never mind, folks, that the lowly taxpayer is going to have to pay for the policies and direction of this government under this bill." That is the real scary part: all the power, but no cost; all the direction, but only the taxpayer pays the bill.

**The Acting Chair (Mr Beer):** Shall the amendment carry? Those in favour please raise your hand. Those opposed?

Motion negatived.

1510

Section 3:

**The Acting Chair (Mr Beer):** I believe there are several government amendments.

Mr O'Connor moves that subsection 3(1) of the bill be amended by striking out "For the purpose of establishing landfill waste disposal sites" in the first and second lines and substituting "For the purpose of establishing, operating, managing, altering or improving landfill waste disposal sites referred to in subsection 12(1)."

**Mr O'Connor:** The purpose of this is for the expropriation necessary when establishing the disposal sites as we get to that part in the process.

**Mr McClelland:** I note for the record again that we are using the words "operating" and "managing," words that the Conservative amendment just defeated sought to exclude. That motion, I remind you, said that the corporation would not operate or manage. We have here the power, in terms of expropriation, "For the purpose of...operating, managing." I do not want to presume anything, but I think it is fairly evident that we are moving from a possibility that might be remote to one that has actually been set out here.

It should not go unnoticed, for the record, that this is the case. This government motion, at least potentially—and in fairness I say "potentially"—contemplates the operation and management of landfill sites whether they are existing or new ones. I want to make that point clear. We are moving from a sort of reluctant admission to a possibility, something a little bit more concrete that actually uses the very words my colleague Mr Cousens tried to exclude in the amendment just defeated.

**Mrs Marland:** I would be happy to accept this motion if it had one more word in the sentence, "For the purpose of establishing, operating, managing, altering or improving landfill waste disposal sites referred to in subsection," etc. If we had another word in there such as "staffing" and "financing," I think that would be fine.

**The Acting Chair (Mr Beer):** One word or two words?



**Mrs Marland:** Actually, two, Mr Chairman. Is it in order for me to move a verbal amendment to this government motion?

**The Acting Chair (Mr Beer):** If you could put pen to paper very quickly after setting it out verbally, it could be considered.

**Mrs Marland:** Yes. It is simply inserting two words or actually—

**The Acting Chair (Mr Beer):** Could you again just tell us where you want to insert?

**Mrs Marland:** I could do without staffing and just insert the word “financing”: “For the purpose of establishing, operating, managing, altering or improving.” I guess maybe after “managing,” the word “financing” would be the amendment I would make.

**The Acting Chair (Mr Beer):** Just to make sure the Chair understands, it is, “For the purpose of establishing, operating, managing, financing, altering or improving landfill waste disposal sites referred to in subsection 12(1)”.

**Mrs Marland:** Right.

**The Acting Chair (Mr Beer):** Okay. Perhaps you could just write that down and pass it up. I know we have it but the—

Interjection.

**The Acting Chair (Mr Beer):** Okay. We will do it. Could you then sign it?

**Mrs Marland:** Thank you.

**The Acting Chair (Mr Beer):** Is there any discussion on the amendment to the amendment? I know there are some others who wish to speak but—

**Mrs Marland:** Could I explain my amendment? Obviously the purpose of my amendment is to address the concern we have been talking about here today, that Bill 143 is giving all the power to the government and all the bills to the taxpayers. I think it makes imminent good sense and logic that if the government is going to establish, operate, manage, alter or improve landfill waste disposal sites, with all that power and all that clout, it should be willing to finance it. Otherwise, there are no options left for the municipalities and there certainly are no options left for the taxpayers.

If the government wants to take over waste management in this province, let it do so, but let it pay for it. It just does not make sense for them to decide that they are going to have all this control and then turn around to the 843 municipalities in this province and say: “This is what thou shalt do, but we no pay. You shall pay.” It is just totally unacceptable. I think the amendment would make it at least fair. If they are going to cut the cloth, let them buy the cloth as well.

**The Acting Chair (Mr Beer):** Ms Mathysen, would you care to comment on the amendment to the amendment or do you wish to wait?

**Mrs Mathysen:** I was going to speak to the original motion.

**The Acting Chair (Mr Beer):** I will keep you on the list and come back to you when we get there.

**Mr O'Connor:** What I was going to do at this point in time was get someone from legal services of the Ministry of the Environment to comment on the amendment to the amendment. Maybe we should wait until Mr McClelland has had an opportunity to speak a little bit about it. Jim Jackson is from legal services.

**Mr Jackson:** The section deals with the power to expropriate. The amendment to the amendment does appear to be a little bit out of context. I do not think the corporation would be acquiring land for the purpose of financing.

**Mr McClelland:** I appreciate the explanation in terms of how the wording fits in the context of the section. There may be a need to change the language appropriately, but the intent of Mrs Marland's amendment is to ensure that those initiatives taken by the Interim Waste Authority are in fact paid for by the Interim Waste Authority, which at the end of the day is the province rather than the municipalities, which as we have said countless times are being told what to do and will only have the opportunity of paying the bill.

I think I know what the answer is going to be from the parliamentary assistant. The parliamentary assistant will say, “Well, it will be negotiated.” The operative word of the day, this week's word for the New Democrats, in fact the word oft-times repeated, is “negotiate,” that the whole world and everything that transpires is subject to negotiation.

I guess that is how everything operates. As part and parcel of that is consistency, and if the intent of the specific language of the amendment does not meet the intent, I think we can work on that. The intent is to have the government say that it is accepting responsibility in dictating to municipalities, that the government of Ontario will pay the bill rather than having it simply dictate and let the municipalities pay the bill. To the extent that the sentiment or the intent of the amendment is brought forward by Mrs Marland, I support that sentiment.

**Mrs Marland:** Maybe I could ask Mr Jackson, the solicitor, this: You said that this section, subsection 12(1), is pertaining to expropriation. Was that your answer?

**Mr Jackson:** I am sorry; subsection 3(1)?

**Mrs Marland:** You said my amendment would not be in order because the subsection 3(1) we are dealing with here, in terms of the change the government is making to its own bill, deals with expropriation.

**Mr Jackson:** Subsection 3(1) of the bill does deal with expropriation.

**Mrs Marland:** Yes.

**Mr Jackson:** The amendment the government is moving makes it clear that in connection with the acquisition of land for the sites that will be operated by municipalities or whoever it is—the negotiations end up with the sites being operated—that can include the acquisition of land that is needed for the purposes of operating and managing the sites. Your motion indicated that it would also cover the acquisition of land for the purposes of financing the waste

disposal sites. That just did not seem to fit into the context of subsection 3(1) of the bill, with or without the amendment.

1520

**Mrs Marland:** The subject of acquisition, either through expropriation or direct purchase, still involves a financial responsibility on the part of one party or the other. I am wondering how you would suggest that for the purposes of this amendment we can address the concern, if land is expropriated or if land has to be acquired through direct purchase or expropriation, of who pays for it.

**Mr Jackson:** The Expropriations Act already deals with that. The expropriating authority is required by the Expropriations Act to pay, so if the new corporation expropriates or enters into an agreement of purchase and sale, the corporation is the one that pays the price.

I think you are possibly dealing with a subject that may or may not be in order in the context of this particular subsection; that is, if the corporation enters into an agreement with a municipality or somebody else for that person to operate or subsequently own and operate the landfill sites, whether that agreement can provide for recovering costs incurred by the corporation and obtaining approval for the sites. That appears to be something that is different than what subsection 3(1) of the bill is dealing about.

**Mrs Marland:** From your answer, then, if we are dealing with expropriation, we do not need to worry about financing, because as you have explained, the act states who provides the money.

**Mr Jackson:** That is right.

**Mrs Marland:** But in the same argument that you are giving, if we deal just with straight acquisition, we are not talking about who pays for it.

**Mr Jackson:** Yes. Under the common law, if you enter into an agreement that is just a matter of contract law with somebody to buy his land, it is a normal part of the agreement that the purchaser pays the vendor.

**Mrs Marland:** Yes, I understand that. But in this case what we are dealing with is a level of government, through the Interim Waste Authority, is it not? Is this not pertaining to the corporation?

**Mr Jackson:** Yes, the purchaser would be the corporation, if the corporation purchased land, the Interim Waste Authority.

**Mrs Marland:** So are you saying that in this case we would not have to worry about it being a financial burden to the municipalities?

**Mr Jackson:** No, I was talking about the bill.

**Mrs Marland:** Right.

**Mr Jackson:** It has already been discussed earlier today that the issue of who pays the costs is being debated at great length, but if you are talking about who pays the price for the land under the agreement of purchase and sale, it is the person who enters into the agreement of purchase and sale as purchaser. Not very many vendors would enter into an agreement of purchase and sale that did not provide they got paid.

**Mrs Marland:** I think I understand that, but I would like to give you an example because it would be great to have this cleared up. In the case of the region of Peel, where the Interim Waste Authority is out looking to "establish" and all these other words a new site in Peel, are you saying that because the Interim Waste Authority has the mandate to do that, it also has to be the purchaser of the site?

**Mr Jackson:** If they do not purchase the site, then the land is still going to belong to whoever happens to be the owner of it.

**Mrs Marland:** That is right.

**Mr Jackson:** They likely will not have an approval to establish and operate a site. The corporation will have an approval to establish the site. I expect, by that time, the negotiations would have been completed because we are talking about some interval of time some years off, and there would have been an agreement establishing who was going to actually carry out the operation of the site.

**Mrs Marland:** This becomes very interesting because now we have the Interim Waste Authority with this mandate to establish a site in the region of Peel, for example. In order to establish the site, they may have to acquire the land. I would like to know how the Interim Waste Authority is going to acquire the land—I am just talking about one site—if it has only \$17 million with which to do all the consulting and the research and everything else leading up to the acquisition. Suddenly, when they decide this will be the site, is that the point at which they are going to turn around to the region of Peel and say, "Look, this is going to be the site, and we want to acquire it, but you have to give us the money"? How are they going to acquire these sites? Where are they going to get the money from?

**Mr Jackson:** The \$17 million, as was mentioned earlier, is the line item in the current year's budget.

**Mrs Marland:** Right.

**Mr Jackson:** Not all of it will be expended during the current fiscal year because of the delay in the corporation's work.

**Mrs Marland:** Right.

**Mr Jackson:** Whatever line item is in next year's budget and the year after next year's budget, the two or three or four years it takes to get to having an approval, that will cover whatever the corporation's expenditures are.

**Mrs Marland:** Right, but the thing is, at the same time that the Interim Waste Authority is looking for a site in Peel, it is looking for other sites, as within its mandate. My question is very straightforward: When they find the site, who is going to pay for it? Is the Interim Waste Authority going to buy those sites, or is it going to say, under this bill, "We say this is where the site will be, but we have X number of dollars left in our line budget designation," which you have just referred to? Are they going to go to the provincial Treasurer and say, "We need more money to buy this site," or are they going to turn around to the taxpayers in the region and say, if it is the region of Peel, "Regional council, we need the money to buy this site"?



**Mr Jackson:** The corporation does not have any power to levy on the residents of the region or the regional municipality or the local municipalities. Its only source of money is loans from the Treasurer of Ontario, from the consolidated revenue fund.

**Mrs Marland:** So is the answer that those sites will be acquired by the provincial treasury?

**Mr Jackson:** Yes, by the treasury advancing money to the corporation by way of loan.

**Mrs Marland:** That is great. That is good news, because what is really going to be interesting will be, after they acquire those sites, when they then have to pass another piece of legislation in order to get the money back from the area municipality. But anyway, your answer is fair, and that is interesting. So now we do have the province establishing the future of landfill sites and paying for them. Things are getting a little bit better than they were. Mr Ramsay, you wanted a supplementary, did you?

**The Acting Chair (Mr Beer):** I also have Mr Wiseman. Mr Wiseman, was your question on the same subject?

**Mr Wiseman:** My question might clarify things really quickly, if I understood what you were saying. If we were to put financing in this section of the bill, and it would say, "For the purpose of establishing a landfill waste disposal site etc and financing it," would that not then allow the Interim Waste Authority to expropriate land wherever it wanted, take it, flip it and then sell it to finance the landfill site?

**Mr Jackson:** Yes, I assume it was not the intention of the motion that the corporation speculate in land in order to make money.

1530

**Mr Wiseman:** That would certainly go against the other section of the bill later on that says you cannot expropriate land until you have a certificate of approval.

**Mr Jackson:** It would be a very short period of time in which to speculate.

**Mr Ramsay:** Just getting back to the discussion Mrs Marland had with counsel, we are really talking about the short-term financing of the purchase of the land, but of course it is the intention of the corporation to pass on all costs to the region.

**Mr Jackson:** The government has made numerous policy announcements to the effect that the people who produce waste should pay the full costs of disposing of the waste.

**Mrs Marland:** With the explanation from Mr Jackson—please correct me if I am wrong—the power given to the Interim Waste Authority is not only, under this section, to establish, operate, manage etc but, under other sections of the bill, the power given to the Interim Waste Authority to establish future landfill sites also includes the financial acquisition of those sites.

**Mr Jackson:** That is right, yes.

**Mrs Marland:** If that is the case and it is now very clear that the Interim Waste Authority is going to pay for these sites, then I am happy to withdraw this amendment.

**The Acting Chair (Mr Beer):** That amendment to the amendment is then withdrawn after an interesting discussion and we return to the amendment. Just so we do not get too confused, that means we are back to the original government amendment.

**Mrs Mathysen:** I will be brief. I think there is some misunderstanding on the other side regarding this amendment. Specifically, this amendment does not give the IWA the right to operate; it gives the IWA the power to expropriate the land that will be operated as a landfill site. So any fears that the opposition may have had should be laid to rest. Clearly the IWA is merely given power to expropriate land and not to operate a landfill site.

Motion agreed to.

**The Acting Chair (Mr Beer):** To complete this, having amended subsection 3(1), shall subsection 3(1) now carry as amended? All those in favour? Opposed? Carried.

Shall subsection 3(2) carry? All those in favour? All those opposed? Subsection 3(2) carries.

**Mr O'Connor** moves that subsection 3(3) of the bill be amended by striking out the word "approve" in the first line and substituting "give approval under the Expropriations Act for."

**The Acting Chair (Mr Beer):** Do you wish to explain the purpose of that?

**Mr O'Connor:** The purpose of this is clarification, because it is useful. It defines approval. It is more or less housekeeping. As Mr McClelland stated earlier, there is a bit of housekeeping to be done.

Motion agreed to.

**The Acting Chair (Mr Beer):** Shall subsection 3(3), as amended, carry? Those in favour? Those opposed? Carried.

Section 3, as amended, agreed to.

**The Acting Chair (Mr Beer):** I have a government motion, section 3.1.

**Mr O'Connor** moves that the bill be amended by adding the following section:

"Closing of roads

"3.1(1) For the purposes set out in subsection 3(1), the Ontario Municipal Board may, upon application, close any road.

"Application

"(2) The Ontario Municipal Board may direct that notice of an application for approval of the closing of a road under this section shall be given at such time, in such manner and to such persons, including municipalities and local boards of municipalities, as the Ontario Municipal Board determines, and may further direct that particulars of objections to the closing shall be filed with it within such time as it directs.

"Powers of OMB

"(3) Upon the hearing of the application, the Ontario Municipal Board may make an order closing the road upon such terms and conditions as it considers proper.

"Effect of physical closing

"(4) Any road closed under this section in accordance with an order of the Ontario Municipal Board by the placing

or erecting of a fence, barricade or other work shall be deemed to have been, by that action, legally closed.

"Definition of 'road'"

"(5) In this section, 'road' means a road within the meaning of the Public Transportation and Highway Improvement Act and includes an unopened road allowance."

**Mr O'Connor:** This is just another step that is needed, a legal step, to add some distinction to the expropriation, which could cause some encumbrances if the site has a separation of land in between portions of the site found.

Motion agreed to.

Sections 4 to 6, inclusive, agreed to.

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Section 7:

**The Acting Chair (Mr Beer):** Mr O'Connor moves that subsection 7(1) of the bill be struck out and the following substituted:

"Power of entry

"(1) For the purpose of obtaining information that an inspector considers necessary to meet the requirements of or obtain an approval under an act relating to the planning, establishment, operation, management, alteration or improvement of a landfill waste disposal site, an inspector may enter on and inspect any land.

"Limitation

"(1.1) Subsection (1) does not allow an inspector to enter any building."

**Mr O'Connor:** Just by way of comment on this, we heard during the committee hearings process that there are concerns that the inspectors may be entering upon dwellings, dog kennels, all sorts of different things. That is the purpose of this.

Motion agreed to.

Section 7, as amended, agreed to.

Section 8:

**The Acting Chair (Mr Beer):** Shall paragraph 1 carry? Carried.

Shall paragraph 2 carry?

**Mr McClelland:** A little bit of discussion there, Mr Chairman. Throughout the course of the hearings a number of people raised concerns with respect to this whole section. We have already been through parts of it and I just want to take the opportunity again to raise an issue that was raised by many people. In particular, my colleague Mrs Fawcett raised it frequently.

Perhaps the parliamentary assistant will give me some assistance. I recall reading that there were some amendments with respect to the powers of entry and so on, and we are in that area right now. There are some expanded response mechanisms, if you will, for owners of land that are incorporated by the government motions, for which I want to say I am grateful. I appreciate the government's response to those concerns to at least the extent that the government has responded. But I do want to say with respect to this section, section 8, that we feel the notice provisions as per paragraph 1 are totally inadequate. There are all kinds of scenarios that could develop where people

are away from their land. A date is specified, and entry on the land follows subsequently.

I just want to raise again the concerns raised by so many people through the course of the hearings about the right of government authorities to enter upon people's property. I recognize the parliamentary assistant will speak to some expanded rights of response, if you will, for citizens. I think the government was cognizant of the fact that a lot of people are very unhappy about the power it was seeking to hold unto itself with the inspectors. I hope the government will be open to considering, as we move through these portions of the bill, particularly as we get into section 9, greater rights for individuals, to respect, if you will, the sanctity of individual property.

I look forward to hearing the parliamentary assistant's explanation and rationale for the amendments the government is bringing forward. I just wanted to make the point, as we move into this section, that there are a lot of concerns out there by a lot of people and I trust they will be if not fully at least partially addressed by the amendments of the government.

**Mr O'Connor:** Just on a couple of points you have raised, one area that has been addressed we will address a little bit further as we get into this area, but paragraph 1, where it talks about the seven days, seems to have been of concern to some people. Where this portion of the act comes from was from the EPA, section 142. It follows along the same lines. Anyway, your concerns are noted and we did hear from individuals with concerns around some of that.

**The Acting Chair (Mr Beer):** We will be moving on to paragraphs 2.1 and 2.2, but I need first to ask, shall section 8, paragraph 2, carry? All in favour? All opposed? Carried.

**Mr O'Connor** moves that section 8 of the bill be amended by adding the following paragraphs:

"2.1. If the inspector intends to enter on the land more than once during a period of time, the notice shall specify that period.

"2.2. If the inspector intends to leave equipment on the land for a period of time, the notice shall set out a description of the equipment and the period of time during which the inspector intends to leave it on the land."

**Mr O'Connor:** In the way of comment, Mr McClelland just raised some of the concerns and this is designed to address some of those concerns.

**Mrs Marland:** Could the parliamentary assistant explain paragraph 2.2 where it says, "If the inspector intends to leave equipment on the land for a period of time, notice shall set out a description of the equipment and the period of time during which the inspector intends to leave it on the land"? What are we talking about here, who is liable and who is going to supervise this equipment? For goodness sake, are we talking about major construction equipment that is going to be digging or are we talking about very expensive equipment that does borehole drilling? Who is liable for that equipment? The land owner? If a person is hurt because the equipment is on private land or if the equipment is damaged and is on private land—I



mean, this is fine. The inspector is going to say: "Hi, folks, I'm here. Is it okay if I leave my drill here or my digger here or my backhoe? Keep your kids away from it because they might get hurt, you know. Worse than that, my equipment might get damaged." I would like to know a little bit more about this amendment before we support it.

**The Acting Chair (Mr Beer):** Mr O'Connor.

**Mr O'Connor:** There are a couple of other people who would like to make comments.

**Mr McClelland:** It may save repetition.

**The Acting Chair (Mr Beer):** If we can be useful to one another, I am all in favour of that.

**Mr McClelland:** My concerns are similar inasmuch as what we have here is equipment being placed on the land. I would be pleased to have an opinion from legal counsel. I would not presume to comment on it without hearing from them.

Subsection 7(5) sets out a legislative scheme in terms of the corporation for damages caused by inspection. That particular section is with respect to the land that potentially may be damaged and the corporation is accepting responsibility for that. Following from Mrs Marland's line of questioning and all the potential scenarios that could be attached thereto, my question for legal counsel is, would the provisions of subsection 7(5) be sufficient to render a land owner harmless for any damages that were caused to third parties who may enter on their lands? Would they be saved harmless from any claim for liability for entry of persons on to their lands?

Let me lay out a scenario to counsel: Equipment is brought on to, say, my land—that is a safe hypothetical inasmuch as I do not have any, so it does not really matter—but the equipment is sitting on my land and a third party comes on to my land and does something with that equipment or is involved somehow and suffers considerable physical damage. Without pretending any kind of expertise or specific knowledge, it is clear that there is a great deal of case law that says as a land owner I have a certain responsibility in terms of due diligence and so forth.

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To the extent that that was beyond my power of control and the Interim Waste Authority, the corporation, had come on to the land and put that equipment there, what if any assurance can you give us with respect to the provisions of this legislative scheme or others that the land owner in such a scenario would be saved harmless from any claim or claims that may be brought against him or her for damages suffered by a third party?

I am wondering, to the extent that subsection 7(5) does not specifically speak to equipment and harm that might happen to third parties, if it would be appropriate to have a further amendment that would assure property owners, in the event something like that happened, that the corporation would assume full liability and full responsibility for any damages that may result, however remote that possibility is.

I think it is only fair and reasonable to expect that land owners would be saved harmless from any potential damages

that may result from equipment being placed on their land. I wondered if you could speak to that, counsel. Would that be helpful, parliamentary assistant?

**Mr O'Connor:** I think that would be quite appropriate.

**The Acting Chair (Mr Beer):** We are in your hands, Mr Jackson.

**Mr Jackson:** Under subsection 7(5) the corporation is responsible to provide compensation for damages caused by the inspection. If you look back at subsection (2), the various scenarios that you were developing, Mr McClelland, are part of the inspection. Therefore, the corporation would be required to provide compensation, probably even without subsection (5). If somebody lawfully goes on somebody else's land and creates a situation of danger on the other person's land, that is the person who would be primarily liable to respond to any claims for damages, but subsection (5) I think makes clear that if the corporation creates a problem on the land it is responsible to deal with it. They have to deal with the third party who is injured. If a third party comes on the land and if there are damages caused to the property owner or the property occupant himself, the corporation is responsible for those. If you invited somebody to climb on the drill rig or something like that, we could imagine situations where the corporation might say it was not the corporation's fault, but I think those would be unusual.

**Mr McClelland:** They would be unusual but the possibility exists. My point is that, given some of the quirks of the law inasmuch as subsection 7(5) is in terms of inspection and in the absence of a definition of inspection, I think it is a reasonable path you have taken us down that any equipment placed on land would be part and parcel of an inspection and therefore one would expect that a land owner would not be in a position of potential liability.

I suppose the concern I have is that you raise a point that could happen. Almost anything can happen. Some of the things that have happened in the courts of law are more bizarre than soap operas and defy belief from time to time. I think of a scenario, for example, where a minor—

**Mr Jackson:** I do not think we will be digging very deep holes for purposes of the test.

**Mr McClelland:** I am talking about a person under the age of majority. You are on somebody's land and he or she is a minor—

Interjections.

**Mr McClelland:** It is a long day and we are all getting tired.

Interjection.

**Mr McClelland:** No, I did not know if I was going to comment on it. I actually was not going to comment at all and then I saw Drew Blackwell could not contain himself, so I figured, well, if he is enjoying it, everybody else may as well enjoy it as well.

**Interjection:** I do not think Margaret Marland got it.

**Mr McClelland:** It is okay. I will explain it later.

If a minor, for example, invited a playmate on or something, one could make the argument, "The corporation

isn't responsible because the parents"—there are any number of scenarios.

I guess what I am looking for is some more specific assurance that under all circumstances there will be, if you will, absolute liability attached to the Interim Waste Authority, and again without pretending any particular expertise in that area, that there are provisions in law where absolute liability is attached to parties and corporations for their conduct from time to time. I wonder if I am wrong in suggesting that there are any number of scenarios left open here to creative litigators, who would in turn look to property owners for some redress in the event of a mishap. I think that possibility exists and I am asking, perhaps unfairly, for you as representatives of the ministry to say that under all circumstances that would not happen.

I think the land owners have got to know that if you are going to come on their land, contrary to their wishes, and the IWA, the corporation, leaves equipment there and something, God forbid, should happen to somebody, they are in a position where they need not worry, regardless of the creativity of litigators who are out there. I say that with no disrespect to the profession, because you know that will happen on a boilerplate claim. Everybody will be thrown into the mix including the land owner and his second cousin and so forth. I think we need to have something here legislatively that spells out very clearly and specifically that absolute liability attaches to IWA without fear and with absolute assurance that property owners not be subject or vulnerable to liability for something beyond their control.

**Mr Jackson:** I think that is what subsection (5) does. If some third party sued the land owner as a result of something that happened as a result of the corporation's activities on the land owner's land, from the point of view of the land owner, that would be damages caused by the inspection.

I agree with you. I undoubtedly have colleagues in the profession who if the occasion arose would sue everybody in sight, but they would be rather peculiar colleagues if they did not sue the person with the deepest pocket. That is likely to be the person backed by the consolidated revenue fund, so undoubtedly the government would be there and any other defendants would be bringing third-party actions within that action against the government. The land owner would be relying, among other things, on subsection 7(5), I think quite successfully.

**Mr McClelland:** I appreciate what you are saying, sir, and I also respect the fact that you are saying you think that is the case. I would simply say that, with no disrespect to you or any other lawyer who may appear before this committee or render an opinion elsewhere, that would not give a lot of people a great deal of comfort, to say that they think they would be protected, given all the possibilities.

**Mr Jackson:** I can use another word. It is my opinion that is the case.

**Mr McClelland:** I understand that. I am not trying to put too fine a point on it, simply to say that even to make the point that he was not liable, a land owner could potentially spend an awful lot of money just, as you say, to have

the claim redirected back to the deeper pockets. You are quite right. In the probable scenario that would be the focus of damages, but notwithstanding that, inasmuch as the land owner could be joined to an action, he could go through an awful lot of aggravation, if not cost, probably both, before he saw satisfaction resulting from subsection 7(5).

I simply say, with no disrespect to your opinion or anything else, that I am not sure that is sufficient comfort to a lot of people out there who may be having inspectors enter on their land and leave equipment there for extended periods of time. I am not sure, and I do not presume to have the language here right now, but something that would perhaps be more encompassing that would take it a step further to give assurances, not in the normal course of action but some sort of legislative protection to land owners, would be appropriate. I would ask the government to consider that very seriously in light of the potential implications that could exist, however remote they might be. I think the fact that they are remote even makes it, I suppose, more appealing for the government to say, "Okay, we recognize they are remote but we're prepared to cover off the interest of the men and women, the land owners, in and around the province of Ontario who may, albeit remotely, be subject to some harm down the road."

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**Mr Jackson:** In the normal course of events, there will be an agreement between the corporation and the land owner under which the land owner will be directly protected by contract. In the event that it is necessary for the corporation to rely on its powers of entry, I think subsection (5) does exactly what we are talking about.

**Mrs Marland:** I guess I have an advantage because I am not a lawyer. I am just common ordinary folk and I have to say that I am not satisfied that subsection (5), in its present wording, gives the protection to private land owners that is required.

**The Acting Chair (Mr Beer):** This is subsection 7(5) you are referring to?

**Mrs Marland:** Yes.

**The Acting Chair (Mr Beer):** I just want to be clear.

**Mrs Marland:** Yes, where it says, "The corporation shall provide compensation for any damages caused by the inspection." That is just a wonderful floodgate of opportunity because in order to get your compensation you are going to have to prove that it was caused by the inspection. If the dormant equipment is on somebody's private land and maybe that poor soul does not even know it is there, because in paragraph 1 of section 8 they can have "At least seven days before entering to carry out an inspection"—did you have something you wanted to say, Mr Parliamentary Assistant?

**Mr O'Connor:** I can add it at the end of your comments, if you want.

**Mrs Marland:** No, go ahead.

**Mr O'Connor:** I was going to just make a general comment about this section, because it seems we have been discussing perhaps what is not the intent of this



amendment. The intent is the fact that for the land owner there will be, on occasion, equipment left behind. Some of that equipment could be delicate in nature; for example, hydrogeological equipment that could require people to come back and take readings from some of the equipment. That is the purpose of it, to respect people whose land they will be doing some of the testing on, to respect some of their property rights, to be as accommodating as possible.

**Mrs Marland:** I understand but I say, with due respect, Mr Parliamentary Assistant, none of these sections talks about what type of equipment. Nor can they; you cannot get into that kind of detail. It may well be the kind of equipment you are talking about, it may well be the kind of equipment I am talking about, but one thing for sure we are talking about is private property and an element of risk that is very real in certain circumstances. We are also talking about what can be a very suit-conscious society and about giving people seven days' notice that we might come on their land to do some testing. It is too bad, is it not, if their property is up for sale and they have got beautiful acres of magnificent rolling pastures and it is on the market for sale and the day that the prime buyer shows up there is all this equipment there? "Oh, what are they testing for?" "We may be putting a landfill site somewhere, either on this property or adjacent to it."

I can see all kinds of possibilities with this section and I think it is very critical that we do not pass a piece of legislation that would have in the past been referred to, I suppose, as Russia with love. Thank goodness, that is not the situation any more in Russia, but my goodness, we are doing a great job of it here in Ontario. We are going to give people seven days' notice. It does not matter, does it, I suppose, if they are out of town? They might be overseas for a month and when they come back an inspection might have commenced on their private property, there might be equipment on their private property and there might be an incident where a neighbour, quite innocently, or a visitor or a salesperson—it could be anyone—might come on to that property and be caused some kind of injury.

Mr Jackson is saying they are protected under subsection 7(5) because the corporation shall provide compensation for any damages caused by the inspection. I just think that leaves open a tremendous avenue of opportunity for some brilliant litigators who, for any number of reasons, may want to represent a claimant. Surely—and I say this because I am not a lawyer—there is language that it is possible at this point to write into the bill to protect. Surely you want to protect your ministry and the province in terms of the government, but also surely you want to protect the land owner.

In spite of the fact that we have a rather different ideology from the current Bob Rae socialist government, land owners still have some rights in this province. Mind you, we see it being eroded more and more by some of the legislation coming through but, frankly, I do not accept that seven days is enough notice, so I am not happy with that.

I do not know what my colleague the member for Markham feels about this section—I have not discussed it with him—but as I read it, I am not happy with the seven

days' notice. When I read the government amendment, it is so weak. It just says that the inspector is going to let the land owner know what kind of equipment is going to be on his property and for how long. I would think that would not even require an amendment, for goodness' sake. Surely if you are going to be on somebody's private property, you are going to let him know what you are doing.

Where this whole section breaks down is the fact that we know very well that the people who are going to be executing these inspections are most likely not going to be employees of the provincial government; they are going to be firms that are subcontracted to do this work. It may well be that the provincial government will turn around and say to those contractors: "Hope you've got the insurance, folks, because we don't have the money to buy the insurance and we don't want the liability. It's your job. You're contracted to dig these holes, you're contracted to have this equipment, and in your contract you must protect your own liability."

I do not know that, but I am saying it is quite a possibility because we know how work contracted from government works. The government does not turn around and carry all kinds of liability insurance for work that is contracted to firms. They expect those firms to carry their own liability insurance. When we are writing a section that is as significant as this may well be, especially to private property owners in this province, we had better make sure everybody is protected, and this section does not do that. This section is just an open invitation to have proven in court what damage is caused by the inspection. If that kind of challenge goes to court, the taxpayers pay for it through the nose both ways. They are paying for it on both sides, and why should they, because it is poorly drafted, have to open the door to that possibility?

I really think we should have some answers here. With all respect to Mr Jackson and, as a matter of fact, with respect to Mr McClelland, as two lawyers in this room—there may be another one here—I do not know what their experience is in litigation, but is not law all about opinions? It is very fair for Mr Jackson to say, "In my opinion, subsection 7(5) covers it," because Mr Jackson, in all likelihood, is not going to be the person who, at taxpayer expense, may have to end up in court saying the damage was not caused by the inspection.

That is what law is all about. That is from just a little common sense, but the fact is that law is a matter of opinion. I am simply saying, can we not at least have some wording in this section that protects the public from being at risk of some legal opinion?

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**Ms Haeck:** I am going to ask Mr Jackson a question in relation to the sections to which Mrs Marland has been referring and the object of some other long discussion, specifically, that law is a matter of not only opinion but I do believe also some precedent. I think that in drafting this legislation, other legislation was researched, canvassed and opinions sought. I am making an assumption, and I know that is sometimes a bad thing to do, that there has

been some consultation to make sure these clauses are consistent with other legislation that is consistent.

**Mr Jackson:** Yes, there was consultation, and I think all I can say about subsection 7(5) is that it is certainly not consistent. It is very unusual to put a provision that gives that kind of protection directly into the legislation. Usually just the ordinary experience of people is relied on, and that is that when you do something on somebody else's land you are responsible for the consequences.

We wanted to ensure in this provision and the other provisions relating to the entry on to property that it was not the old traditional provisions that just gave a power of entry and nothing else. We thought it was fair to the people whose land was being entered on to to describe the rules in some detail, and that is the reason for the two amendments, or paragraphs 2.1 and 2.2 of section 8, and that is the reason why subsection (5) was put in section 7, to make it clear that it was the corporation's responsibility and not land owners' to bear the costs, damages, whatever arising out of an inspection.

**Ms Haeck:** To be totally repetitious, this gives even broader protection to the land owner than exists in many other pieces of legislation that currently exist?

**Mr Jackson:** Yes.

**Mr McClelland:** Notwithstanding Ms Haeck's last statement and the affirmative response, I think the point remains that it does not give absolute protection to land owners. I am going to ask the following and I am going to see if counsel and the parliamentary assistant would be disposed to the following, that we stand down this matter and ask for two subsequent amendments, one that would ensure, not simply with respect to the entry on to land—for which I think a good argument could be made and I will not get into it now—that section 7 would only apply in terms of the entry on to the land and may be severed apart from section 8. You know better than I do, and I do not presume to try to make a point here, but I think I am correct in saying that oft-times a subsection can be interpreted to apply only to a particular section of an act; it may or may not stand on its own, but would only follow with respect to a section.

I ask that we stand down the section and ask for two things: an amendment that would ensure, with respect to section 8, that a like provision be written in as in subsection (5), notwithstanding what Ms Haeck said that it maybe goes further than some other clause, but it does not give assurance—there is no absolute assurance there—and that the second provision of such a clause would also ensure that a land owner would not be responsible for any damage against the equipment, no matter how incurred. In other words, the land owner would not, by virtue of the fact that the equipment was left on his or her property, somehow pick up responsibility for that equipment.

Mr Jackson and I would be more aware than others because we are reading a lot of case law that says "knew or ought to have known" and deals with responsibility in terms of omission and commission and so forth. I think there needs to be some legislative assurance—not probabilities; we are not going beyond—that land owners would

not be held responsible, first, for any damages that would occur to a third party, and second, to any equipment that would be left on their property. I would ask that that be considered by the parliamentary assistant, to stand it down until I have a chance at least to go back and discuss the matter a little bit further.

**Mr O'Connor:** By way of response, I think at this time, because time is important—we are going through the process of clause-by-clause right now—it would perhaps be more appropriate that the member bring this forward when we get into committee of the whole House. Maybe that is a point that can be discussed and brought forward at that time. You have certainly raised the level of awareness today among legal counsel and all committee members around the needs here, but I think in order to continue with the process we are going through, we leave that for later on when we do get into committee of the whole.

**Mrs Marland:** As the person who brought this concern up, I am all in favour of proceeding to other sections, but with the resources that are available to the ministry to try to address the concerns I have raised with this question, which Mr McClelland has supported, surely it makes more sense that we could have some suggested redrafting. Today is Tuesday. If there is any intention at all to address our concerns, surely that could be done by Thursday morning.

I can just see us getting into committee of the whole House, raising it and then being told: "There isn't any time. We've got to get this bill passed. We've got to get it through." The question has been raised here now and surely it is possible, if there is any intent on the part of the ministry to address our concerns, to do it in the next two days.

Heavens above, with the people who are on staff, it is not a big deal for them if the wish of the minister is to address the rights. I am quite confident our ministry staff have the resources to draft the necessary wording. It is just a matter of whether the minister cares for the rights of individuals. You are going to get your briefing note now from the minister's staff. I noticed the minister's staff now are doing it verbally instead of writing notes, so that is at least a refreshing change.

I think if there is an intention here to protect individual property owner's rights and also to protect the risk of suit and consequential financial settlements paid out by the ministry, namely, the taxpayers of this province, surely it is worthwhile looking at it.

We are still on section 8, paragraph 2.1, I guess. I wanted to ask if the 6 am to 9 pm is Monday to Friday or seven days a week in section 8, paragraph 5, if we might get an answer to that. I think the intention of the minister should be to be responsible to private property owners and we are simply saying, "Please don't make this legislation like Big Brother."

The fact that it is better than what we have had, Christel, is really like saying, "What we have had has not been good and this is better." I am not satisfied with that. I do not defend the fact that the present EPA says seven days' notice, because I do not think that is adequate. If you have an opportunity to make something better, to do it



better and represent the interests of the people who own property in Ontario, if you care about them, why would you not do it? Now is the time to do it and make it work and protect everybody.

In Mr McClelland's municipality there is a property that was posted with all kinds of warnings about what was permitted in that property. The property was owned by the Ministry of Government Services. A little boy, I think he was six or eight, went in that property, with all the signs, all the waivers of responsibility: "Thou shalt not be in here. You mustn't do this, you mustn't do the other." This little boy went into that property and it resulted in a \$6-million settlement, even though, "You've been warned."

I can see the same situation here. It is fine to say you are not responsible. In that case, with all the signs and it being publicly owned property, the owners of publicly owned property, namely, the taxpayers in this province, were responsible. So, my goodness, why would we not just clean this up?

**The Acting Chair (Mr Beer):** Mr O'Connor will respond to your question and then I have Mr Wiseman.  
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**Mr O'Connor:** In response to the last comment and the comment before, I suggested that for us to go through the clause-by-clause process we started, we continue on. As I said before, legal counsel is going to take the concerns you have raised under advisement and I am sure, because they have heard the concerns raised around this room, that they are going to take a look at this.

I would certainly advise them to take a look and if changes need to be made, then that take place. In order for us to continue the clause-by-clause process, though, I hope we can continue on. I suggest legal counsel takes a look at this because concern has been raised by the committee members here.

**Mr Wiseman:** I want to remind everyone that all amendments have to be in by 5 o'clock tomorrow evening, so Thursday morning is not a possibility for amendments.

**Ms Haeck:** Just a quick comment. I guess the legislation as it has been put forward and definitely under subsection 7(5)—having taken someone else to Small Claims Court over trespass of my property some years ago, I understand a little bit of the joy of going to court to do these kinds of things. It was private industry, not government; someone trying to tear down a shed on their property and using my property as a thoroughfare to get there.

Most land owners and most property owners have some obligation to keep themselves informed, which is also partly a requirement of any legislation. This legislation goes so much further than anything I have seen, even looking at some of the kinds of cases coming into my office regarding—of all things—some federal actions taking place in my riding.

I will point out, under section 8, paragraph 5, the very last sentence, "by posting the notice on the land in a conspicuous place." There is an awful lot in this legislation that really makes it obvious to any land owner that he or she has options. They are part of the whole process and in fact damage has been done—

**Mrs Marland:** They do not have the option of saying, "Don't come on my property."

**Ms Haeck:** That is part of the whole expropriations process which has been in existence long before today; part and parcel of the whole process of doing public works. Back in the 1930s when the Queen Elizabeth Way was built, people had concerns about expropriation and where the highway was going to go. This is not an argument that is particularly new.

**Mrs Marland:** You are arguing in favour of what I am saying.

**Ms Haeck:** No, I am not actually. What I am suggesting is that this piece of legislation as presently constructed, along with some of the amendments to make it clear to the land owners involved what their rights are, goes a long way to satisfy the concerns we heard about for four weeks and I personally do not feel—

**Mrs Marland:** You are happy with this section?

**Ms Haeck:** I am happy with this section. I think it is quite clear and actually written in language most people I know can fully understand and appreciate.

**Mrs Marland:** I am amazed. I really gave this member, who has just commented and is on the record with her comments, more credit. The section of this bill I am discussing deals directly with liability. She was talking about the improvements after four weeks of hearings to the overall bill. I am dealing purely with this section and if she is talking about the example of what happened to the people when the Queen Elizabeth Way was being built, that is very much in support of the argument I am giving.

I am simply saying that if you want to protect the public and if you do not care about private land owners—that may not be your ideology; I do not know what you feel about private land owners. Maybe you do not believe in private property rights. I happen to believe in private property rights.

I happen to think that seven days' notice is insufficient if you are going to come on my property and start doing any kind of excavation or bore drilling or whatever. Even if you do not think that way, would you not want to protect your own government from being sued? We are spending half an hour here arguing because we simply want to get some better wording in a piece of legislation of your government.

If your socialist ideology does not permit any interest in protecting property rights, surely to goodness you are interested in protecting the liability of your government. I am simply saying that in this whole section where we are talking about inspections on private land, we are not talking about somebody walking around with a Geiger counter, for goodness' sake; we are talking about equipment. That is why we have the government amendment saying that if the equipment is coming on they are going to say how long it is going to be there and what kind of equipment it is, how nice, and they are going to say if they are going to come back more than once.

Surely we do not need an amendment to say something that is a common courtesy. Surely if you are going to contract people to do this work it would be within their

guideline of courtesy of how to do the business and if you are going to go on somebody's land surely you are going to tell them how long you expect to be there and, "If the sampling isn't successful I may have to come back." That is not what I am talking about. I am talking about everything that surrounds this, which is the risk to that property owner and to the larger public. The larger public may be at risk in such a circumstance, as in the example I gave you with the \$6-million settlement in Brampton.

If you think the wording in subsection 7(5), "The corporation shall provide compensation for any damages caused by the inspection," is the road you want to go down, it is on your head. It sure as heck is not on mine, because I do not support not protecting the public. If I were the government, I would not support not protecting the government. It is only a matter of drafting a few words. If I were a lawyer I would be able to do it and place it as an amendment now, but I do not see that as my job. I see it as the job of the government and the ministry staff who are here or elsewhere. The ministry staff are absolutely competent about doing this. All we need is the sincerity of this minister and this government that they want it done. If it does not happen today or in the next two days, there is not a chance in Hades of it happening in committee of the whole. Just forget it. Either you are interested or you are not. The point has been made. If you are not interested, it will be a recorded vote and you can defend that position with your electorate around this province.

**Mr Wiseman:** I have been listening. This is a really fascinating convolution of logic. Let's just think for a moment. Somebody goes on to somebody's property and there is this equipment there from the IWA. He plays around on the equipment and falls off and breaks his leg or neck. Somebody wants to be sued. They look in this act and the lawyer picks it up. I am not a lawyer, but I would think that if I were—

**Mrs Marland:** A little boy who was just riding his bicycle has sustained a major head injury. He was not even on any equipment.

1630

**Mr Wiseman:** Margaret, that person was riding a motor bicycle and he flipped out in this land quarry. The result was that he won a \$6.5-million lawsuit but within three years it was overturned and he received a heck of a lot less because the judge came back and said that there is some amount of responsibility that individuals have to take when they are conducting themselves in public and that not everybody can be liable. I heard the case too.

If I were the judge, I would have to stretch my imagination pretty far to say that subsection 7(5) would not apply in terms of people being injured. "The corporation shall provide compensation for any damages caused by the inspection." I know—I guess I cannot really say that. Let's just put it this way: No one can determine what a judge is going to say; the judiciary is completely separate. So it does not matter how you write it—

**Mrs Marland:** That is exactly what we have been saying for half an hour.

**Mr Wiseman:** If you put more words into this, you are going to convolute it, you are going to prevaricate it and you are going to leave it wide-open to interpretation. The simpler the better. "The corporation shall provide compensation for any damages caused by the inspection." Is that broad enough to include somebody falling off a piece of machinery they were playing on?

**Mrs Marland:** "Any damages."

**Mr Wiseman:** I am asking—

**Mr Jackson:** Yes.

**Mrs Marland:** In Mr Jackson's opinion. He would be the first to say.

**Mr Wiseman:** Hey, Margaret, when you go before a judge, it is going to be the judge's final decision, ultimately, and then it is appealable, and that is appealable, and that is appealable.

**Mrs Marland:** And that costs the taxpayers money.

**Mr Wiseman:** This is not unclear.

**Mr Ramsay:** I wanted to ask legal counsel here if subsection 7(5) should say that "The corporation shall provide compensation for any and all damages caused by the inspection."

**Mr Jackson:** I think "any damages" includes all damages.

**Mr Ramsay:** Okay.

**Ms Haec:** Just a point of information, or clarification might be even better. If my memory serves me correctly, we have carried subsection (7)5 and we have carried paragraphs 1 and 2 of section 8. Is that not correct?

**The Acting Chair (Mr Beer):** That is correct. We are at the amendment to section 8, paragraphs 2.1 and 2.2.

**Ms Haec:** Just checking to make sure where we are in the agenda.

**Mrs Marland:** Don't let's look at something in case it might turn out to be something important.

**Mr McClelland:** I simply want to say again that I think it would be wise to give legal counsel an opportunity to review the placement of subsection 7(5), to look at it and consider whether because of it sitting as a subsection of a particular section, there is any possibility that it would be restrictive in its application, and whether upon further reflection, legal counsel would feel, pursuant to the amendments of section 8, paragraphs 2.1 and 2.2, that further clarification or more inclusive language may be necessary.

In the absence of that, if the committee as a whole is not prepared to allow legislative counsel to go and reflect on that and consider it and bring it back tomorrow for consideration, I am going to ask that we have a recorded vote on this matter. I quite frankly feel that notwithstanding the provisions of subsection 7(5), it does not give assurance in terms of protecting land owners from potential third-party liability or from responsibility for damages to equipment left on their property. In the absence of that assent, if you will, by the parliamentary assistant or the committee as a whole to allow legal counsel the opportunity to review that, I ask for a recorded vote on this section.



**The Acting Chair (Mr Beer):** Can I ask, then, are you requesting that section 8, paragraphs 2.1 and 2.2, be stood down until tomorrow? It would need unanimous consent, and I just want to be clear on what your request is.

**Mr McClelland:** That is what I am asking. I am asking, through the parliamentary assistant, that there be an opportunity to reflect on those two issues in terms of third-party liability and responsibility for equipment left on the property of others.

**Mr O'Connor:** Just on that, I believe earlier I did make a recommendation to legal counsel to undertake to review this situation and make sure that the government is not placed in a situation members have raised some concerns or fears around. It was my hope that we could continue going through the clause-by-clause process. We have heard from the Chair that amendments have to be placed before 5 tomorrow. If legal counsel from the ministry does not have an amendment brought forward and in looking through the process feels that it does need some change and some clarification, some protection added to it, there is still a possibility that those changes take place in committee of the whole House. So I hope we can continue with the process of clause-by-clause.

**Mrs Marland:** I think in fairness I would like to point out to the member for St Catharines-Brock that it was the legal counsel, Mr Jackson, who, in my questions on the government motion that is before us now, paragraphs 2.1 and 2.2 under section 8, actually referred us back to subsection 7(5). That is why that was part of this discussion as it pertains to the motion before us now, so it was absolutely in order.

**The Acting Chair (Mr Beer):** If we then could move to vote on section 8, paragraphs 2.1 and 2.2, I have had a request from both Mrs Marland and Mr McClelland that this be a recorded vote.

The committee divided on Mr O'Connor's motion, which was agreed to on the following vote:

#### Ayes—6

Haeck, Lessard, Martin, Mathysen, O'Connor, Wiseman.

#### Nays—4

Cousens, Marland, McClelland, Sola.

**The Acting Chair (Mr Beer):** We now move on—

**Mrs Marland:** Just on a point of procedure then: How will we get a response to our request to the minister for an amendment to address our concerns?

**The Acting Chair (Mr Beer):** As you know, you have made the request. It is part of the record of our hearings. It will be up to the minister to respond or not. I will leave it to the government members to determine whether anything further will happen to that.

**Mrs Marland:** Thank you.

**The Acting Chair (Mr Beer):** We now have three more paragraphs we will need to deal with. I believe Mrs Marland indicated she may wish to speak to the last one, section 8, paragraph 5, but I will begin then with paragraph 3. Shall paragraph 3 carry? Opposed? Carried.

**Mrs Marland:** Prepaid mail does not require registered mail. Is that right?

**Mr O'Connor:** Just maybe for clarification: It has been the practice that by using prepaid mail the service is quicker than by using another service, the problem being that when you take a look in rural areas the post office may not be readily accessible to residents. Prepaid delivery services actually are more expedient. So that is the purpose behind that.

**Mrs Marland:** What you are dealing with here is not a guaranteed delivery. You are quite satisfied to give people seven days' notice. You do not care if they get it because you are not going to send it by courier or registered mail; you are just going to put it in the regular mail. Is that right?

**Mr O'Connor:** You know the process itself is not set for trying to leave it up to mail alone. Perhaps we should get Ms Rush to speak on it because the process itself is trying to get people notified as properly as can be. Maybe we can hear from Ms Rush.

#### 1640

**The Acting Chair (Mr Beer):** As Chair, I may just indicate I will allow an answer to that. I should indicate that I have called and voted on this, but I would allow for an answer to that. But perhaps as I call these different sections, members could just pounce on the discussion at that point. I will allow this to continue.

**Ms Rush:** Perhaps I could provide some background and Mr Jackson could answer your question more specifically. I would like the committee to understand that the property owners involved throughout the process will have had a number of contacts from the Interim Waste Authority prior to this section coming into place. They are not in the legislation, but they are in our enunciated policies and they are in the documents and discussions. At the time of the long list, all property owners will be notified. They will be notified, hopefully, before the press. It is very difficult to promise that, but it is our intention that they will know before they read it somewhere else.

Second, we have stated that we intend to negotiate with every property owner. We are going to do that obviously as quickly as we can, but we are not going to rush that process. It is very much in our self-interest to have the most cooperative circumstances we can find, so that section 8 comes into play only when we are going to use the powers. I do understand that is not your specific question, but that background might help put this section in context. I think Mr Jackson can help with the mail situation.

**Mr Jackson:** It has been our experience that ordinary prepaid mail gets through more frequently than registered mail does. With registered mail you have to be home at the right time of day when the post office makes its attempt or you have to be available to go to the local post office or postal agency to pick it up during its business hours. Prepaid mail gets left at the address and delivered. For several years when we have been dealing with service-by-mail provisions in our statutes, we have been switching them from registered mail to ordinary prepaid mail, just because it works better.

**Mrs Marland:** Is the answer, Mr Jackson, that there is no legal requirement to use registered mail to serve notice under this act?

**Mr Jackson:** That is correct.

**The Acting Chair (Mr Beer):** Shall section 8, paragraph 4, carry? Opposed? Carried.

Section 8, paragraph 5.

**Mrs Marland:** I had the great joy and pleasure of three months on the act revising rent control in this province. Where there was a section pertaining to hours that inspections could take place, it also stated the days of the week. I am just wondering if this 6 am to 9 pm in this section pertains to every day of the week, or would we like to define it a little more clearly for the sake of the poor property owner who is going to have this intrusion?

**Mr O'Connor:** Maybe we can get some clarification, but I believe that in the process of undergoing the studies and what not, it would be necessary in some instances that it be seven days a week for the process of reading different machines and meters and everything. Perhaps we can get some clarification on that.

**Mr Jackson:** The statute is drafted so the inspections can be done seven days a week. That would only happen, of course, if it were necessary, because the corporation has to pay premium rates for people to work on weekends. However, in some cases it is necessary to record water levels or take samples during the weekend. That is why it is not restricted to Monday to Friday.

**Mrs Marland:** Since you have gone to the trouble of putting the hours in here, do you not think it would be fair to also say "any weekday between the hours of"?

**Mr Jackson:** No, because we intend to include Saturday and Sunday. If we said "weekday," that would imply the working week. It is not necessary to say "seven days a week." If we had a restriction, we would have to restrict it, but it is just not legally necessary to say "seven days a week."

**Mrs Marland:** It is your legislation.

**Mr Cousens:** I wonder how this is consistent with Mr Rae's policy on working on Sunday.

You sort of have to ask the question, and Mrs Marland, who has seen it dealt with in other bills and has seen some ways in which it has been addressed—you know, it is just going to be a big gamble, whoever is going to be chosen to have his site chosen, but I do not think it is being fair to anyone. Here, on the one hand, the New Democrats have said, "We want to start making it possible for people to have five days, six days," whatever. Is there any way in which you could recognize that this is not going to happen on Saturday or Sunday?

**Mr O'Connor:** I think that by not stating any days in the week, it states the hours of the day which are the restrictions that need to be placed in there. We have to recognize that in performance of studying taking place, some recording may have to take place on Sunday.

**The Acting Chair (Mr Beer):** Shall section 8, paragraph 5, carry? Carried. We then move to government motion, subsections 8(2) and 8(3).

Mr O'Connor moves that section 8 of the bill be amended by adding the following subsections:

"Waiver of requirements

"(2) The owners and occupants may waive any requirements relating to the notice described in paragraph 1 of subsection (1).

"Idem

"(3) The occupants may waive any requirements relating to entries described in paragraph 5 of subsection (1).

**Mr O'Connor:** That just allows some flexibility from the occupants.

**Mr Cousens:** I wish you would do something to protect the rights of the occupants when it has to do with other parts of this bill, which take away so many of their rights. We have mentioned them enough times before, but with the number of different acts that are now removed, they are overridden. The rights of the individual are overridden.

This is what you call a sop, and the New Democrats say: "Oh, isn't this something? We're doing something for the owners and occupants." The owners and occupants have lost so much of their property rights through the other sections of this bill that to come along and put this in and call that one of your big motions I think is just an insult to the process. In all the hearings we had for people coming in, this is not one I heard about. It is just as if you are trying to throw some weight for a number of motions. It is just meaningless compared to what this bill does in taking away the rights of people. I am surprised you do not blush a little bit when you read it, Larry.

**Mr Wiseman:** I would like to make a comment on this section, because I think it is an excellent addition. In fact, this increases the rights of occupants to have their rights considered within the whole context.

With the site selection search for P1, the occupants of that land were not informed. They had big machinery put on the land and were not told at any time. They did the drilling and they left the holes and they went away. It was only after considerable pressure was put on the people doing the work and the region that in fact those concerns were addressed.

This bill says, first, you are going to tell them you are coming, you are going to tell them what it is you are going to put there and you are going to give them redress and compensation if you do not leave it the way you are supposed to. Not only that, you have an option to negotiate. None of that was done in P1.

I say that if you want to talk about the rights of occupants, this bill goes a long way in returning the rights of occupants on some lands. If you want to talk about draconian on expropriation, let me tell you that the two parties on the other side have shown what draconian is when the federal Liberals expropriated 18,000 acres of land and the provincial Tories expropriated 23,000 acres of land in north Pickering. So it strikes me as a little odd that you would be making that argument when we are putting more rights into this bill than they have had in the past with either of your two governments.



1650

**Mr O'Connor:** Perhaps I did not clarify it quite well enough. Whenever possible the IWA is going to try to work out an agreeable procedure that will allow the inspections to take place. So this more or less allows them to sign the waiver, which is kind of a legal agreement. Perhaps somebody from the IWA could comment on that.

**The Acting Chair (Mr Beer):** Would somebody from the IWA care to comment?

**Ms Rush:** As someone from the IWA, perhaps I could answer that. Yes, it is as the parliamentary assistant explained. This allows for us not to kick in to other parts of the bill if the land owner or the occupant does not wish it. So notice would not have to be provided if they did not want. I think it is very important that this allow flexibility in the negotiations, but the control is entirely with the land owner or the occupant. If they do not wish to sign this waiver, that is fine, and the notice provisions will prevail.

**The Acting Chair (Mr Beer):** Shall subsections 8(2) and 8(3) carry? Opposed? Carried.

Section 8, as amended, agreed to.

Section 9:

**The Acting Chair (Mr Beer):** Mr O'Connor moves that section 9 of the bill be struck out and the following substituted:

"Inspection warrant

"9(1) The corporation may apply to a judge or justice of the peace for a warrant authorizing an inspector to inspect land.

"Notice of application for warrant

"(2) The corporation shall give the owners and occupiers of the land seven days' written notice of,

"(a) the time when and the place where the application for the issuance or extension of a warrant is to be considered;

"(b) the purpose of the application and the effect of the application being granted;

"(c) the length of time the corporation is asking for a warrant to be issued or extended;

"(d) the right of an owner or occupant or an agent of an owner or occupant to appear and make representations; and

"(e) the fact that if the owner, occupant or agent fails to appear, the judge or justice of the peace may issue or extend the warrant in their absence.

"Right to be heard

"(3) A person who is served with a notice under subsection (2) or an agent of that person has the right to appear and make representations when the application is being considered.

"Issue of warrant

"(4) The judge or justice of the peace shall issue a warrant authorizing an inspector to inspect land if the judge or justice of the peace is satisfied by evidence under oath that,

"(a) inspection of the land is reasonably necessary for the purposes set out in subsection 7(1);

"(b) a notice has been served upon the owners and occupants of the land in accordance with paragraphs 1, 2, 2.1, 2.2 and 3 of subsection 8(1); and

"(c) the inspector has been prevented or is likely to be prevented from entering on the land or exercising any of his or her other powers or the entrance to the land is locked or the land is otherwise inaccessible.

"Execution

"(5) A warrant shall specify the hours and days during which it may be executed and name a date on which it expires and may specify a period of time during which equipment may be left on the land."

I am in the hands of the committee here. It is drawing nigh to 5 o'clock. I have a sense there may be some discussion of this item. Perhaps I am making an assumption. Is there going to be discussion of this item? If there is a possibility that in the minutes left we can deal with it, I would proceed, but otherwise I would suggest that we leave it over. I am looking somewhat furtively at Mr Cousens and Mr McClelland to see whether—

**Mr O'Connor:** Perhaps I could just lay out the purpose. The purpose of this section is so that the warrant will allow the owner or occupant the chance to appear when the warrant is being applied for. It is an opportunity for the owner or occupant to appear while the application for any warrant is being processed. It is another move to try to make sure that if a warrant is necessary the owner or occupant has an opportunity to be available at the same time for commenting.

**The Acting Chair (Mr Beer):** Shall section 9 as in the government motion carry? Any opposed? Carried.

Motion agreed to.

Section 9, as amended, agreed to.

**The Acting Chair (Mr Beer):** Fearing to tread but none the less going to tread, there are no further amendments to this part.

**Mr McClelland:** I think we might even be able to finish part I today, which would be considerable.

**The Acting Chair (Mr Beer):** Would you repeat that?

**Mr McClelland:** I think we might. It would be a considerable achievement.

Section 10:

**Mr McClelland:** I want to indicate again for the record for those who might be tuning in what paragraph 2 of section 10 says: "The inspector may use such force as is reasonably necessary to execute the warrant and call on police officers to assist in the execution of the warrant."

There may be some people who feel fairly sorely aggrieved by inspectors entering on their land. I will be very interested in seeing how this government responds when people express that concern and express the objection to people entering on their land.

In light of the examples of civil disobedience displayed by the leader of the government of the day and other members of the caucus who felt that they were doing something that in their view was morally right—I need not expand on that other than to say that certainly the Premier and other members of the caucus felt it was appropriate in terms of civil disobedience—I would be interested to see how the government responds and reacts when farmers in Durham

or in Peel or wherever they may be say, "I object to you coming on my land."

I will be very curious to see this government proceed with the powers under section 10, paragraph 2, where it has the police to enforce the entry on to people's land, people who, as Mrs Marland has said, feel very passionately about the right to their private property and the rights that they feel have been taken away from them. For the record I raise that again. That was raised by many people who came before this committee, the concerns they had. I think it is fair to say that it is a fairly flagrant use of police powers. It is interesting that all over the world people are moving away from that kind of use of police powers, but here we are. This government is moving in that direction.

**The Acting Chair (Mr Beer):** Shall section 10 carry?

**Interjection:** No.

**The Acting Chair (Mr Beer):** Those opposed? The section carries.

Section 10 agreed to.

Section 11:

**The Acting Chair (Mr Beer):** Shall section 11 carry?

**Mr Cousens:** With section 11, what you end up having is someone who owns a property, coming back from a holiday and finding someone on there. They are going to be irate, and why should they not be? It is their property and now they are back from their lovely holiday south and they are faced with seeing—

**Mr Ramsay:** Or north to Timiskaming.

**Mr Cousens:** You could go north, could you not? I would love to see where the potential Adams mine site could go.

They come back from a holiday. It could have been Niagara-on-the-Lake they were visiting. What is stopping some legalistic inspector from saying, "Hey, you're obstructing us?" Could you give us some satisfaction that you are not just going to be exercising this section of obstruction the way you are pushing through this legislation?

1700

**Mr O'Connor:** We have had many explanations today of a process that is going to involve people, and part of the process is to get people as involved as possible. So I am sure that when somebody has been notified, somewhere along the process they could end up being put on a list, and when the long list comes out they will know when it comes to the point where testing is going to take place. The likelihood of something like that happening is very remote. I think if you were a land owner and owned a substantial site of land that could potentially be a site, you would be aware of that possibility long before it would become necessary.

**Mr Cousens:** A long time ago I was—

**The Acting Chair (Mr Beer):** Excuse me, Mr Cousens. Mr Wiseman had the floor. If you wish to relate your story, I will come back to you.

**Mr Wiseman:** I would like to point out about this section and to concur with the parliamentary assistant that

it would be somewhat remote for the land to be encroached on in the way you are describing. I think if you go back and review the draft document of the Interim Waste Authority, you will find that the criteria for the land that will be inspected are very clearly defined and that certain lands are excluded. Private landholders who have already indicated that their land will be welcomed within the urban shadow are the people who are primarily concerned with site selection. Those who are outside the urban shadow and are actively pursuing agricultural interests will not be included in the site selection. So you have to understand that perhaps you are talking about, in this sense, a group of people who have already allowed their land to be committed for uses other than agricultural uses and therefore they may already be within official plans for industrial or commercial development or have been designated under new official plans to be included in that area.

Given that it is 5 of the clock, I will stop there.

**Mr Ramsay:** Mr Chairman, just a point of clarification. Mr Wiseman, are you saying that under this legislation, farm land is excluded from consideration?

**Mr Wiseman:** Under the draft site selection criteria of the document, the draft approach, it is clear under section 4.1 and again later on, and I am quoting from the document: "Specialty crop areas, screening criteria: Screen out areas of specialty production of minimum size of 200 contiguous acres"; "Other areas: Screen out all classes 1 through 3 agricultural lands with the following exceptions: land within the urban shadow"—that means land that has already been designated under official plans—"and lands that are federally, provincially or municipally owned," because it is deemed that those lands have already been designated for some other use unless they have been clearly indicated to be agricultural use, "and non-agricultural land." It goes on to say that some specialty crop areas will be excluded as well unless they are within those guidelines.

**Mr Ramsay:** Would you entertain an amendment to this legislation that would incorporate that, if I brought that in tomorrow?

**Mr Wiseman:** It is there. We have already passed this.

**Mr Ramsay:** It is in the legislation?

**Mr Wiseman:** Because we have passed sections 1, 2 and 3 on setting up the IWA as a crown agency, that those are the criteria. This is circulated to everyone. If this was to change arbitrarily or somebody was to pick it, I would not want to be around to hear the battle, because those are very clearly the criteria that will be used.

**The Acting Chair (Mr Beer):** It is now 5 o'clock. Mr Cousens, do you wish to speak or shall I put this particular—

**Mr Cousens:** I have a question on it.

**The Acting Chair (Mr Beer):** Then I will have to wait until tomorrow, because of the agreement that we would rise at 5 o'clock.

**Mr Cousens:** We could have gotten through this if—



**The Acting Chair (Mr Beer):** If the committee is agreeable to deal with this, but there was prior agreement that we would conclude at 5 o'clock during these sessions.

**Mr Cousens:** I am prepared to stay the length of time. It would be nice to finish part I of the bill.

**The Acting Chair (Mr Beer):** Do you have a question? I will allow the question to go ahead if we could try to deal with this as expeditiously as possible. I will not define which day of the week or whether it is 9 to 6, but at some point, if it continues to go on, I will adjourn the proceedings.

**Mr Cousens:** What is the offence a person is guilty of under subsection (4)? It indicates that anyone who contravenes this section is guilty of an offence. What kind of an offence are they guilty of?

**Mr Jackson:** It is an offence that is prosecutable under the Provincial Offences Act. You appear before a JP or a provincial offences court judge, get prosecuted and are subject to a fine if convicted.

**Mr Cousens:** Only a fine?

**Mr Jackson:** Only a fine.

**Mr Cousens:** Maximum?

**Mr Jackson:** Maximum \$5,000, but that is the range that covers everything for which penalties are not specifically provided for in statutes. A judge or a JP would pick an appropriate range.

Section 11 agreed to.

**The Acting Chair (Mr Beer):** We will reconvene tomorrow at 10 o'clock to begin part II. The meeting is adjourned.

The committee adjourned at 1706.

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Ramsay, David (Timiskaming L) for Mrs Fawcett

#### **Also taking part / Autres participants et participantes:**

Jan Rush, assistant deputy minister

Drew Blackwell, assistant deputy minister

M. B. Jackson, solicitor

Leo B. FitzPatrick, solicitor

Jim Merritt, acting assistant deputy minister

**Clerk / Greffière:** Mellor, Lynn

**Staff / Personnel:** Spakowski, Mark, legislative counsel











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Première intersession, 35<sup>e</sup> législature

# Official Report of Debates (Hansard)

Wednesday 25 March 1992



# Journal des débats (Hansard)

Le mercredi 25 mars 1992

## Standing committee on social development

Waste Management Act, 1992

## Comité permanent des affaires sociales

Loi de 1992 sur la gestion  
des déchets

Chair: Elinor Caplan  
Clerk: Lynn Mellor

Présidente : Elinor Caplan  
Greffière : Lynn Mellor

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# LEGISLATIVE ASSEMBLY OF ONTARIO

## STANDING COMMITTEE ON SOCIAL DEVELOPMENT

Wednesday 25 March 1992

The committee met at 1002 in room 151.

### WASTE MANAGEMENT ACT, 1992

#### LOI DE 1992 SUR LA GESTION DES DÉCHETS

Resuming consideration of Bill 143, An Act respecting the Management of Waste in the Greater Toronto Area and to amend the Environmental Protection Act / Projet de loi 143, Loi concernant la gestion des déchets dans la région du grand Toronto et modifiant la Loi sur la protection de l'environnement.

**The Acting Chair (Mr Beer):** Good morning. I am glad to see the members of the committee are awake and keen and ready to get started. We have reached the end of part I of the bill and we are now at part II on waste disposal sites—sorry; we did not pass section 11 last night.

**Mr Cousens:** We were into a filibuster with the New Democrats.

Interjections.

**The Acting Chair (Mr Beer):** I stand to be corrected, but I thought we had an overtime period.

**Clerk of the Committee:** I stand to be corrected.

**The Acting Chair (Mr Beer):** The clerk very magnanimously admits now that we did pass section 11, so we are on part II.

**Mr Cousens:** We learned that anyone who contravenes this has an offence under the law, so people who are on their own property can end up paying up to \$5,000 because of this penal system being brought in by—

**The Acting Chair (Mr Beer):** Thank you, Mr Cousens. I would also note that the minister is with us again this morning. Welcome, Minister.

**Hon Mrs Grier:** Thank you.

**The Acting Chair (Mr Beer):** We are now at part II with section 12. Mr Ramsay, I see that there is a Liberal motion.

**Mr Ramsay:** That is right, Mr Chair. I understand that moving an amendment that deletes a complete section is out of order, but we have done that to make the point.

**The Acting Chair (Mr Beer):** I wonder if you might read that and then the Chair will rule.

**Mr Ramsay:** I move that part II of the bill, consisting of sections 12 to 16, be struck out.

**The Acting Chair (Mr Beer):** If you want to briefly comment, then I will have to rule on the admissibility of that.

**Mr Ramsay:** I do, because as you see from section 12 of the bill, this is where the government, in this bill, has arbitrarily made the decisions on where Metro's garbage is going to go. Of course this flies in the face of the municipal history of this province, where waste disposal has been

a municipal responsibility. Municipalities have taken that responsibility on their own and in partnership with other municipalities.

**The Acting Chair (Mr Beer):** Mr Ramsay, as you noted, I will have to move that this amendment is out of order. The points you are making can be made in terms of both the other amendments and in our discussions on the specific clause-by-clause. In the interests of moving on with our work, I would have to at this point note that particular amendment is out of order. You and others can in effect do what you would like to do with that amendment by simply voting against each clause and would then move to deal with the next two proposed amendments, one of which is being put forward by your party and one of which is being put forward by the Conservatives.

I believe it would be useful, with the concurrence of the committee, that we deal with both of these motions together in that they both relate to paragraphs 12(1)1, 2 and 3 and deal with the same area. What I am suggesting is that I would ask if you would move your amendment and Mr Cousens would move his. We would then have a discussion on the two. In terms of voting on those, we would go in the order in which we have received them, but I think that might expedite our work, if that is agreeable.

**Mr Ramsay:** I accept your ruling, Chairman.

Section 12:

**The Acting Chair (Mr Beer):** Seeing no disagreement, I would ask if, first of all, you would read your amendment, and then, Mr Cousens, if you would read yours, then you can both speak to those and we will get into the debate.

**Mr Ramsay:** I move that paragraphs 1, 2 and 3 of subsection 12(1) of the bill be struck out and the following substituted:

"1. One landfill waste disposal site to be located in the regional municipality of Peel having as its primary function the disposal of waste generated in the regional municipality or in the regional municipality and the municipality of Metropolitan Toronto, over a period of at least twenty years.

"2. One landfill waste disposal site to be located in the regional municipality of Durham having as its primary function the disposal of waste generated in the regional municipality or in the regional municipality and the municipality of Metropolitan Toronto, over a period of at least twenty years.

"3. One landfill waste disposal site to be located in the regional municipality of York or the municipality of Metropolitan Toronto, or partially in both, having as its primary function the disposal of waste generated in the regional municipality or in the regional municipality and the metropolitan municipality, over a period of at least twenty years."



**The Acting Chair (Mr Beer):** I wonder, Mr Cousins, if you would read your amendment into the record and then I will come back to Mr Ramsay to discuss his and follow on with you discussing yours.

**Mr Cousins:** I move that subsection 12(1) of the bill be struck out and the following substituted:

“Application

“(1) This part applies to,

“(a) landfill waste disposal sites located in any one or more of the regional or metropolitan municipalities described in subsection (1.1), the primary function of which is the disposal of waste generated in one or more of the regional or metropolitan municipalities described in that subsection over a period of at least 20 years; and

“(b) environmental assessments of landfill waste disposal sites referred to in clause (a).

“Regional and metropolitan municipalities

“(1.1) The regional and metropolitan municipalities referred to in subsection (1) are the municipality of Metropolitan Toronto, the regional municipality of Durham, the regional municipality of Peel and the regional municipality of York.”

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**Mr Ramsay:** This particular section of the bill strikes at the heart of our basic disagreement with the arbitrariness of what is being proposed here. What is being proposed here is not based on sound environmental logic and considerations but rather on ideology. What we have here is the government basically making the decisions on behalf of the municipalities in the GTA as to how garbage generated in this particular region is going to be disposed of. For the very first time, this takes that power out of the hands of the municipalities and into those of the provincial government.

More than that, in this arbitrariness, environmental considerations have not been taken into consideration. In this bill, sites are now being established in Peel, Durham and York. Consideration for that is going to take place in an arbitrary fashion that does not take into consideration where the best sites should be located environmentally. Who is to say that just inside the border of one particular municipality, by half a mile, might not be the best site for the whole region? Why is it that Metropolitan Toronto's garbage is going to be designated to York region? Why can Durham region for instance not be considered as a site if there is a site there that is environmentally sound for waste for the whole region? I think the corporation has to be free to make the best possible determination and look at all the various options that are out there for waste management. This bill does not allow that to happen and that is why we have moved these amendments today.

**Mr Cousins:** This does strike at the very logic or illogic or lack of logic of the bill. What has happened somewhere within the ministry is that—a lot of things happen, but one of those is that the ministry is closing off options for consideration of possible sites for landfill. What we want to do is have as many options as possible, and the whole bill is such a restrictive one that what you

really do is limit the imagination and the assessment process from coming up with the best possible solutions.

I cannot believe it, David, but I was agreeing with what you were saying. You have come a long way since you left the New Democrats.

**Mr Ramsay:** Absolutely.

**Mr Cousins:** I should not do that. Here I am in committee, just about starting to be nice and then I come back and give the jab. I do not mean to be like that, but you get like that when you are in opposition.

**The Acting Chair (Mr Beer):** The amendment, Mr Cousins.

**Mr Cousins:** I am getting to it.

**The Acting Chair (Mr Beer):** You are just working up to it.

**Mr Cousins:** I am working up to it. It is hard. You come in from the outside where you can breathe fresh air and it is a beautiful day, and you come here and it is the same stuffy atmosphere that we have had for three and a part weeks as we get on to Bill 143. I came in in such a good mood, but now I have to find it within me to start getting angry again. There are so many other things that are good in the world, and I come back here and have to start saying, “Yes, we are into Bill 143.” I went for my Tylenol this morning and it was empty. I do not need a Tylenol. I give headaches rather than get them.

The problem we have is that the Ministry of the Environment is creating such a headache for the people in Ontario with the way in which it is coming forward with this bill by limiting options. The huge mistake it has made is, “We won't even look at shipping waste out of the greater Toronto area to a place like the Adams mine site.” It does not have to be there. We would not have to be going through the pain of this bill if the ministry had at least said: “There is a balancing act you can play with your environmental thinking and the economic advantages of looking at other ways of doing it. There is an advantage at looking beyond just the greater Toronto area definition.” The ministry has said, “No, we're going to build a Berlin wall around the GTA and close it off so that within the most valuable land in Ontario”—I suppose there is some that is more valuable if you have a core of gold and I am sure there have to be some parts that are pretty expensive and valuable.

**Mr Wiseman:** Valuable for what?

**Mr Cousins:** For development, for recreation, for the things that go on within a metropolitan area such as we have in Toronto where the land values are exceedingly high. I mention that to Mr Wiseman because inasmuch as he lives within greater Toronto, and many of us do while we are here in the Legislature, let's at least understand that the value of that land has to be understood.

The bill, instead of saying, “There may be places other than the greater Toronto area where you can dump your garbage, where you can build a landfill site”—when you start looking at the work that went into the preparation for Keele Valley, I am impressed with the ministry reports that described the preparations, really trying to protect the

environment. We have come a long way from the old days when you just went and found a hole in the backyard and you dumped it, like the Pauzé dump up near Perkinsfield and then you have the big plume coming down in Georgian Bay.

We do not want anything like that to happen again, but we want to at least look at ways in which we can dispose of our garbage responsibly, find places where you can do it. When this bill begins by saying in part II that the waste disposal sites will be here, will be limited to within the greater Toronto area, they have made a fundamental flaw in their logic by closing off other options.

What are those options? There are many of them, such as the shipment to other sites—is that a possibility?—the rail haul option, which has been very well presented through our presentations and hearings. We know it is working in other parts of the world. We saw an example in Seattle where they have special rail cars and can haul the garbage from the city to some distance, even further than we would if we were to choose Kirkland Lake. There are covered cars and it is compacted. There is no reduction or diminishment of the importance of the 3Rs. It is an option that can be looked at and we have seen presentations on it. What has happened is that in spite of the excellent presentations by people who came to our committee, there is no movement by the minister to consider the rail haul option.

There is no consideration of the whole possibility of energy from waste. I have many people who say, "Incineration has got to be the answer." I happen to have listened to the presentations and I have an increasing sense of concern about incineration and the dangers that it brings and would want to make sure that before anyone ever built new energy-from-waste incinerators or any such equipment like that, we knew what we were doing, even though there are 1,900 incinerators in Japan, even though it is being used in other parts of the world. All I would ask for is this: The option of incineration, which is a dirty word anyway, is a process that can be followed and maybe there are developments that are taking place that allow it to become a consideration. The fact of the matter is that it is not part of this bill.

What is as much a problem with these motions that are now before our committee is that the ministry has said very clearly that the waste from the greater Toronto area has to be looked after within the boundaries of the greater Toronto area.

I had thought and it was rumoured—I do not know whether Mrs Grier heard about this or not but I am glad she did not decide to do it, because it would have created another set of problems—that she was going to expand her definition of what the greater Toronto area was to include Simcoe. That would have been interesting. It would have been as well quite a serious mistake. I want to congratulate her for not listening to the rumour. You had not heard it? I guess everybody else knew it but you.

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**Mr Ramsay:** Maybe she started it.

**Hon Mrs Grier:** I presume only the people who started it heard it.

**Mr Cousens:** There is hope for the Minister of the Environment.

**Mr Ramsay:** I think it started just now. It just got started now.

**Mr Cousens:** No, I had heard it elsewhere.

**Mr Wiseman:** Start your own rumour.

**Mr Cousens:** Start your own rumour and then you can beat it down. "Hey, look, I won that battle." That is about the only way you are going to win battles around Queen's Park these days. I do not win any of the ones where it comes to votes because—

**The Acting Chair (Mr Beer):** Could we perhaps return to the motion?

**Mr Cousens:** I am going to have my time.

**Mr Wiseman:** Do you not have that gavel that Elinor carries around?

**Interjection:** How many of those Tylenols did you take this morning?

**Mr Cousens:** You are all going to be looking for a bottle of Tylenol before I am finished.

**Mr Martin:** I have some Bufferin for you.

**Mr Cousens:** Bufferin. I do not want to be brand-conscious so I had better be careful. There are other methods that you could use. I guess one of the methods is put your head in the sand, which is probably the method of getting rid of a headache for the New Democrats. They do not take pills of that nature.

We have a problem and that simple problem is that as we look for possible waste disposal sites, we are not going to find the government, our very experienced administrators for the government—you do not have to look over the fence to the areas outside the greater Toronto area. I am sure you would be able to if we told you to, but since we do not tell you to, you will not do it.

All I want to do, all I think Mr Ramsay wants to do is increase those options, and you are not doing it. So we have come along and we have another one of our amendments. I happen to feel that anything I say to the New Democrats just goes nowhere. That is why I am looking around to find someone who is going to listen to me. Quite candidly, there are very few in this room who will. There might be a few. Oh, the honourable Chairman—

**Mr Ramsay:** He's great, isn't he?

**Mr Cousens:** I do not want to say he is great, but he is really good.

Here we are. I have put forward this motion, if we could look at other possible areas for a landfill site outside the greater Toronto area. Where is the logic of having the most expensive land in Canada being taken up for more dumps? I just cannot see it. I know what the cost of land was in my community back just a couple of years ago, \$400 an acre at the intersection of Highway 404 and Highway 7. It is within not 10 miles or 15 kilometres that you have the Keele Valley landfill site, and that is not going to be just something you did not see any more, because now that is going to have lifts on it; you are going to be able to see it from quite a distance. It is going to be the new



mountain that we have in York region. Britannia will be the same way. You are suddenly going to have another landmark, another example of our 20th century waste just very prominent in front of our nose, a very expensive place to place it.

I cannot accept the logic that by shipping the garbage outside the metropolitan area you are going to escape your responsibility for reduction, or any of the 3Rs; I really cannot see that. If we come along and have some very firm ways in which—like Midland. They said to their community, "If you're not participating in the recycling projects, then we're going to start penalizing you." I look at my neighbourhood in Unionville and I am impressed, because I do not think there is a neighbour on our street who is not participating voluntarily in the blue box program.

**Mr Ramsay:** A good Liberal program.

**Mr Cousens:** A good Liberal program? Well, I will give you credit for that. Maybe we thought of it, though. I do not have enough background to know the exact origins of it. I know Andy Brandt likes to take a certain amount of credit for some of those things when he was Minister of the Environment. The fact of the matter is that when my colleague Mr Ramsay says "good Liberal program," when it comes to the environment it is too bad that we cannot be more non-partisan. It really does not matter whether it is a dippers' program, a Tory program or a Grit program, so that there is some way in which every one of us can say: "We are all environmentalists. We all want to come up with the solution."

The point I was starting to get on to in this presentation had to do with the fact that the recycling program can work. Just by having the dump inside or outside the greater Toronto area does not hold much logic to me, because if you have people committed to recycling and genuinely involved in it, and possibly the club of a fine or a penalty if they do not do their share in it, then let's look at that as an option. Let's look at every option in as open and balanced a way as possible so that we do not lock ourselves out of better solutions.

I do not want to say where it would go outside the greater Toronto area, and I do not think it is up to legislators to make those decisions, but it would be something where you have a full environmental assessment that would begin to allow a dialogue and consideration to be made. That process, when it is done well and correctly, unfortunately does bring out the best and worst in people. You are going to have some people say, "Not in my backyard," and others are going to say, "I'll take it"; 59% of the people up in the Kirkland Lake area said they were willing to look at that as worthy of consideration.

But we are into a bill where we are just saying no to other options. I do not think you have to be that restrictive, either as a government or as Minister of the Environment, or we as legislators. We would be in big trouble right now if we were not shipping so much waste where it is cheaper to ship it, south of the border. Maybe you should have something in here, Minister, that says: "We're going to look after all our garbage. We're not going to allow any of that waste to go over the border."

The fact of the matter is that we are probably going to see a little bit of a tax there one of these days, because the landfill site is taxed. Who will put it on? It could be the Americans, it could be us who say, "We don't want any more of that Canadian garbage coming across." That is one of the reasons Keele Valley has not filled up as quickly in the last year. A large amount of this waste has been shipped south, but it turns out that the landfill sites in New York state and in our neighbouring states in the US are also filling up, so it is going to go further and further south. Very soon the minister is going to be faced with the fact that we have had a bit of a reprieve because of the amount of garbage that has gone south of the border.

Is it not tragic that it is cheaper to get rid of your garbage by sending it several hundred miles away? And who knows what happens to it down there? Some of it ends up in incinerators, so we get it back. Some of it is buried. Some of it, who knows? I guess the problem we have is that from this government, who cares? I think we should care about it and I think we should be monitoring that more carefully.

Options: What we are doing with these amendments is saying, "Allow some options to be considered." When you make a law such as Bill 143, there it is going to be until we get rid of you, which is at least 1,400 days. I know how I will be voting in the next election. More than 38% of the people of Ontario might be looking at some other options in the next election, so at that time we will come back to this and give it a fresh number and a fresh name. I tell you, we will gut the bill, and one of the areas that we will be gutting is this section where you look for waste sites. We will open up other areas for consideration, and I will not have the sense of just putting them in Mr Wiseman's riding, Durham West.

**Mr Ramsay:** That is not a bad idea, though.

**Mr Cousens:** I do not think so.

**Mr Wiseman:** You guys already did that once.

**Mr Cousens:** I would not want to do that, but the one thing Mr Wiseman is going to have to look at—

Interjections.

**The Acting Chair (Mr Beer):** Order, please. Mr Cousens has the floor.

**Mr Cousens:** In the existing bill there will be a waste disposal site to be located in the regional municipality of Durham, having as its primary function the disposal of waste generated in the regional municipality over a period of at least 20 years. One site to handle a 20-year capacity: Is that the way you understand that?

**Hon Mrs Grier:** May I respond?

**Mr Cousens:** Now that you are here; I was just getting some dialogue back from the minister.

**The Acting Chair (Mr Beer):** The minister is here and I just need directions from the committee that she can participate in our discussions. I am sure that is what people would like. If there are some questions, then she can answer.

**Mr Cousens:** For my part, by having invited the minister to respond to it, I am very pleased that Mrs Grier is here and is taking the time to attend committee. For someone

as busy as she is, I appreciate it. If she is able to respond and add weight to the arguments and value to the content, then we will be honoured.

**Hon Mrs Grier:** Perhaps the member would like to pose his question and I will make a note, and when he is finished I can respond to all of the points he has made.

**Mr Cousens:** That is fine. To me the answer is self-evident: There will be one big landfill site to handle Durham's waste.

**The Acting Chair (Mr Beer):** Excuse me, Mr Cousens. We are having a technical problem with the electronic Hansard. Could we briefly recess for a couple of minutes and try to correct that, if you could hold on to your thought?

**Mr Cousens:** You may indeed.

**The Acting Chair (Mr Beer):** Thank you. We will adjourn for a couple of minutes.

The committee recessed at 1031.

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**The Acting Chair (Mr Beer):** We will reconvene the hearing. The electronic problem has been corrected. While we have this break, could I indicate to the committee that over the lunch break another committee will be coming in and using this room because it needs the electronic facilities to carry out discussion with a witness who is not here. That is one of the reasons we have just had the difficulty. It seems that some line pumped in. I believe, Mr Cousens, your words were flooding the province in various other centres. Having corrected that, none the less there will be another committee in here.

**Mr Ramsay:** Did CNN pick up Mr Cousens?

**The Acting Chair (Mr Beer):** I am not sure about CNN.

There will be another committee in here between 1:30 and 2. What I would propose, with the agreement of the committee, is that we begin our afternoon session at 2:15, which will allow for the changeover, and, given this particular delay, that we continue until 12:15. Would it be acceptable if we went to 12:15 and then we start again at 2:15? All right. With that understanding, Mr Cousens, you have the floor.

**Mr Cousens:** I will not start from the beginning of my remarks.

**Mr Ramsay:** Because you cannot remember.

**Mr Cousens:** I remember the points. We are dealing with Bill 143 and the selection of possible sites for the disposition of waste. The bill, as presented by the minister, the Honourable Ruth Grier, states that there would be one landfill waste disposal site located in Peel, one in Durham—somewhere in Mr Wiseman's riding maybe—and one in the regional municipality of York, which could be our Chairman's area. Who knows? He happens to represent part of York region and so do I.

Here you have three sites being identified to look after the greater Toronto area's waste. Those are the regional municipalities that will have to have one site each and each site has to be large enough to handle a 20-year capacity for

Metro's waste. We will not get into the semantics of how much that will be if we continue to have legislation from this government that forces a deeper recession. If they bring forward the labour reform legislation, that is very possible. You might not have any garbage to go in the dumps at all, so it is not going to be a problem for anyone. The way this province is going to shut down, there will not be any need for garbage dumps because the New Democrats will drive us out of existence. It will be other areas that will need landfill sites.

My good friend Mr Wiseman rolls his eyeballs.

**Mr Wiseman:** Because what I hear coming out of you gives me a headache. Give me a Tylenol.

**Mr Cousens:** I have something for you. They are empty though. The people of Ontario are going to need something else for headaches, and that is a new government. The problem we have is that if this government goes ahead with its labour reform legislation—I just want to take an aside that deals with garbage.

**Mr Wiseman:** It is out of order.

**Mr Cousens:** Well, you can say it is out of order.

**The Acting Chair (Mr Beer):** Mr Cousens, if you could—

**Mr Cousens:** I will tell you how it ties it, Mr Chairman. If we end up not being able to forecast the amount of garbage, how can you forecast your 20-year amount of garbage for each municipality? Is it based on the economy being as bad as it is today or is it based on how the economy is going to be in a few years after the New Democrats, the socialist government of Bob Rae, brings in the labour reform legislation that shuts down industry in the province?

That is going to mean that you are going to need less space for garbage than you ever had before or than you ever needed before. But that is a separate speech you are going to be hearing. The speech from the throne starts on April 6 and at that time there is not any doubt that the New Democrats are going to bring forward strong labour legislation, as originally proposed by Mr Mackenzie, and we are going to be facing that. That is going to affect garbage.

First of all, it is a garbage bill in itself. But it is going to affect the amount of waste produced in this province because what is going to happen is that companies which would have been coming here and generating business, generating work and generating money through what they were doing—as a byproduct of that, one of the unfortunate things they generate is waste. If they are not building businesses and they are not establishing businesses and they are not doing business in Ontario, then you are not going to have much need for additional landfill sites in Ontario.

How do you work out your 20-year capacity if in fact the recession we are in now gets worse and we end up in a deeper recession where there is even less investment coming back into Ontario? I pose that just as a possibility. I have no doubt in my mind now, with what I have had confirmed yesterday, that the New Democrats will proceed with their heinous labour legislation and that it is going to affect the future of our province. I will go off that subject for now. I am going to be thinking about it, though, for the



rest of my time in this session because I think people in Ontario are going to be as concerned about that one as they are with this bill.

This bill affects our environment and the minister is saying no to looking at other sites: one for Peel, one for Durham, one for York, and each site large enough to handle a 20-year capacity.

You know something? We saw the Adams mine site—we were up there a few weeks ago; there are three large holes in the ground—which, if it passed an environmental assessment, has a capacity to handle 20 years of the greater Toronto area's garbage, and yet we are not prepared to look at it. We are only prepared to look at having sites here: one in York, one in Durham and one in Peel.

Come on. Why not open up the borders and look at other opportunities for it? Maybe there are people who actually want Metro's garbage. I will tell you this much: We do not want it in York any more. The place you are going to look at in York, one of the natural ones—because this government is going ahead and expanding Keele Valley without a full environmental assessment, which was a promise made by Bob Rae. There he was by the site and said, "Yes, we will have a full environmental assessment." That was before he was elected on September 6, 1990. Now that you are in government you are saying: "We'll just go ahead and we'll even put a lift on. Make it higher. It's going to be bigger. We're going to expand it." I find it so ludicrous.

When you start looking at options, all you want to do is make sure you do the best for the people of Ontario. The thinking behind this part of the bill is restrictive, rather than something that expands and opens it up. All I ask for is a chance to look at other ways of doing business, so we have suggested in the amendment from the Ontario PC caucus that we will select one or more sites within the greater Toronto area for the purpose of waste disposal of at least 20 years. I like other options better, but I am saying at least it counters the government's plan to have one site in each of the three regions. That is one of the considerations we have brought forward.

The other thing we are saying is that the Environmental Assessment Board would, with the Interim Waste Authority, determine the ideal sites for the greater Toronto area garbage. Bill 143 has the notion that they are going to find the best site in each of those areas. There might be another site that is better than those three areas and we are not going to be able to look at it. It has to do with one of the things Browning-Ferris Industries said when they made their presentation to this committee. I thought they made a very valid point when they said that certain soil types are superior for landfill sites. The minister's requirement that a landfill site be situated in each of the three regions may result in sites with inferior soil, leading to excessive problems with leachates etc. There again, it means that not every place has the kind of clay you need and you have to ship it in anyway and put in that clay liner. Let's try to do the best we can for the long term.

I do not know what else to do. People wonder, first of all, what you can do in opposition. Mr Chairman, I really wonder. We had the situation on December 19 that the

House was rising and the minister wanted to have this bill all passed and into law with third reading by then. That was really what was going to happen unless, with the tremendous support from the Liberals and the very strong support from the Conservatives—Mrs Marland and all our caucus members were strongly supportive—that we would come back for some time in the new year, consider the details of the bill, see if we could come up with other options and look at what would be a good way of solving our garbage crisis. I see it as a crisis and I think the minister has finally agreed that it is a crisis. When she first took office it took her quite a while to admit it was a crisis, but once she did she began to at least use some of the proper language.

But what do you do, when you are in opposition, to really effect change? We have had three weeks of public hearings. We have looked at all kinds of other options. None of them is being considered.

**Mr O'Connor:** Four weeks of public hearings.

**Mr Cousens:** There were three and then—

**Mr O'Connor:** This is the fifth.

**Mr Cousens:** This is the fifth? Gosh, time went so fast. It was four weeks of public hearings and a fifth for line-by-line. It is even worse, then, because there were those four weeks of public hearings, and nothing came of it except excellent presentations by a large number of municipalities, elected officials, community-minded people and a few paid hirelings from the New Democrats who came in and gave their views.

**Mr Wiseman:** They were not paid.

**Mr Cousens:** They were not paid? I did not know whether they were or not. The chap you brought in from New York who did not even know the Ontario laws: I thought he had been paid off by someone. Were his expenses paid by the New Democrats?

1050

**The Acting Chair (Mr Beer):** Mr Cousens, perhaps we could just stick with the motion.

**Mr Cousens:** I am coming back to it, Mr Chairman.

**The Acting Chair (Mr Beer):** The motives of those who come before the committee I am sure are—

**Mr Cousens:** I understand that it is very painful for you to have to listen to me, but I just want you to know it is more painful for me to have to live with this bill. If you have to suffer a little bit while I ramble and get rid of my feelings by at least talking about them, then that is part of the frustration of being in opposition. I have not been able to use any logic or any of the information of the excellent presentations that have come forward. I even give credit to the Liberal critic, Carman McClelland. I think there has been a sense of genuine concern to see what we can do to come up with a response to the government's proposals in Bill 143.

I have seen other instances in which the government, when there has been as much outcry, disagreement and concern, has backed off a bit, but it is not prepared to do it with Bill 143. It did it with its auto insurance but it is not prepared to do it with this. It is not going to do it with the

reform of the labour legislation either, so the people in Ontario had better realize that Mr Bob Rae does not care what happens for the next 1,400 days. They are going to jam through everything they want with their ugly majority—ugly because what they are bringing in is not for the betterment of Ontario or the environment. They do not look at all the options. Yet what can we do about it?

I am just talking about the frustration of being an opposition member, not being able to change the guidelines, the criteria influencing the Minister of the Environment. I am satisfied that the Minister of the Environment listens to some people. When we were in Kirkland Lake we understood that those people primarily had an agenda similar to that of the Minister of the Environment, not the cross-section of other people who make up the whole community. If you are going to listen to the 20% and not the 80% of the whole, then you are missing the grass-roots feeling out there. No one is ever going to be 100% happy with any law. That is true, and yet can there not be ways in which we can move towards some compromises in it, some working through so we at least develop some consensus?

In the standing committee on public accounts I sit with some members who are on this committee as well. It is an incredible experience when we have been able to go into a law dealing with helping people with drug addictions. We went on visits to treatment centres across the US and we came back. I have never before experienced such goodwill among all members of this Legislature where all three parties were working together because we agreed that there was a problem with the health of people with addictions and chemical dependencies. If only something of that spirit that was in the public accounts committee could come to an environmental issue; if only it could come to labour issues; if only there could be some way we in this Legislature would drop our partisan lines and forget, once we are elected, that we are voting as a bloc, a bunch of Conservatives, Liberals or New Democrats, and that you had the freedom to sit in committee and think and act as you want rather than always being pushed by the bullies, called the whips of each caucus. Our system today, instead of being run by elected members, is being run by each minister who runs his department and is responsible for the department, leaving no room for people in the committees to think for themselves and do what they believe. In this committee it has been especially trying, because the New Democratic members have been responding to notes being passed by staff which give them the questions and the thinking that is supposed to happen. At least, that is the way it has appeared, and who am I to say? But that is the assumption of some of us.

What we are doing and seeing in this Legislature now is the destruction of a democratic ideal. Once you are elected, it does not matter what you said before you were elected; you can do what the hell you want once you are there. Even if you said before you were elected that you were not going to do something, after you are elected you go and do it anyway.

**Mrs Mathysen:** You mean like free trade?

**Mr Cousens:** What do you mean by that, Mathysen? We are talking about the environment. We are talking about the promises you made. I voted for free trade and I will tell you this much: I am disappointed in every one of them.

**Interjections.**

**The Acting Chair (Mr Beer):** Order, please. If I could ask all honourable members—we are dealing with the two specific amendments brought by the Liberal and Conservative opposition, and perhaps, Mr Cousens, you would care to continue with your remarks on your amendment.

**Mr Cousens:** Thank you very much. My remarks have to do with the amendment because what I am really trying to say is that you cannot change a thing. As a responsible member who wants to be involved in the solution to the environmental crises here in the province of Ontario, I never sensed a better feeling among the opposition parties—in fact, Margaret said this the other day—than when Mrs Grier was Environment critic and Margaret was Environment critic for our caucus and there was a good consensus on a regular basis on major issues that dealt with environmental matters and problems. You were able to work together.

Once you become government you come along with a different set of thinking. People have a feeling that what does it matter anyway? Once you are elected you will go and do what the heck you want. I apologize for using a bad word a moment ago. If my mother is watching I am going to get a blast when I get home.

**Mrs Marland:** You still live with your mother?

**Mr Cousens:** She lives in downtown Toronto and watches this program on a regular basis. She is 90 years of age and sometimes she is not very happy with me.

**Interjection:** Ditto.

**Mr Cousens:** I know I am going to get a lecture at noonhour.

**The Acting Chair (Mr Beer):** We try to think of this as a family show, Mr Cousens, so we appreciate your—

**Mr Ramsay:** We are up against Mr Dressup right now.

**Mr Cousens:** Mr Dressup would probably be far better.

I am dealing with my disillusionment as to the effect I can have as a member in the Legislature on laws. I would like to see changes to Bill 143 and I have the highest level of frustration that within the terms of reference I am given as a member of the opposition, as an elected member representing my riding. I can tell you this and I go on record: I am prepared to drop my party stripes. I am prepared to become someone who asks what we can do that is best for the province of Ontario, and that what you say when you are in opposition you live with when you are in power, and that somehow we can work together to solve the problem. I do not see any of that working together in this committee. I do not see any of that in the response I am getting from the government on amendments we are making.

I honestly believe that the amendments we are coming up with, and the one I have just tabled, are just saying let's



look for another option for another landfill site, not be exclusive to York, Durham or Peel. There may be places within the GTA or beyond where we can get rid of our waste.

I could go on a lot longer because, quite candidly, I have not even scratched the surface, but I know other members want to speak on this and we hope to at least get through this section before the end of today. So I will yield the floor.

**The Acting Chair (Mr Beer):** I have the minister, Mr Ramsay and Ms Marland on the list. Minister?

**Hon Mrs Grier:** Let me thank the members of the committee for giving me an opportunity to talk; I realize it is with the permission of the committee. I recognize how long the committee has been deliberating with this, and with every brief moment I am here before them, let me say to them and to the staff involved that I certainly think their patience, tolerance and restraint does them well.

I believe we are making a real contribution to improving the environment of the province by adopting this legislation and I regret very much the characterization Mr Cousens has put on the debate, the hearings and the attitude of the government and the committee. We think we have listened to what we heard and, consistent with the principles that underlie this bill, we have made constructive changes to make it better, to clarify it, to eliminate any misconceptions there might be about the intent of certain sections of the bill. As I watched some of the deliberations in this committee yesterday, I felt the same constructive kind of debate happening, and I am sorry my presence here this morning seems to have dissipated that feeling of progress.

1100

But I do want to comment on some of the comments both Mr Cousens and Mr Ramsay have made. Mr Cousens implores us to come up with better ways or new ways of doing business. I would like to remind him that it is the old ways of doing business and the traditional way in which waste management has been managed—or not managed—in this province that brought us to the crisis we face, not just in the GTA but across the province as we run out of landfill capacity. There are 80 landfills that in the course of 1992 will reach their licensed capacity and will present a crisis to that particular municipality. I certainly was aware of and had expressed my concerns about the impending crisis in the greater Toronto area in opposition and long before I became the minister and recognized that crisis immediately upon taking office and moved to deal with that crisis as the first major piece of business of our government. The new way of doing business and the kind of system envisaged by Bill 143 is in fact a new and better and more environmentally sound way of dealing with waste management, a way based upon reduction, reuse and recycling and leading to greater efficiency.

As you leave this room and talk to the private sector in this province, you become more and more aware of how efficiency, competitiveness and doing better with less is very much the underlying principle of both the private sector and all the consistent policies of this government.

Whether it is waste management where we are calling for efficiency and reduction, whether it is energy use, whether it is land use, the economy of this province, if it is to be renewed, requires us to find new, more progressive ways of doing things, ways that involve making better use of resources.

That is what this legislation is all about. The two sections the amendments before you at this point deal with are very much a part and an integral part of the entire legislation.

Let me remind members of the opposition of how we as a province came to the situation we are in. Historically, responsibility for dealing with waste has been that of the municipalities. That is where it is generated, that is who knows the local situation and that is where, in our opinion, that responsibility should lie.

When municipalities embark upon a waste management master plan, they often join together; two, three or more municipalities come together and define an area within which they will plan for the management of waste. Within that area agreed upon between the municipalities or the towns or the cities, they then seek a disposal site.

Within the greater Toronto area, that was what was happening over the last 10 years as each region began to look at how it could best manage its own waste. But one of those regions had been given by a previous government, and not the one that just preceded ours, very special powers—special powers to Metropolitan Toronto to allow it to dispose of its waste anywhere in the province, not within a region that it defined, not within a municipality with which it had an agreement, but anywhere all across the province. When the members say we should look at all options, I would say we are levelling the playing field and taking away from Metro that very special power it has always had to dispose of its waste wherever it saw fit across the province.

What was happening was that these regional waste management planning processes were not getting anywhere, and I am sure the member for Mississauga South can give us at length chapter and verse of what was happening in Peel, where sites were chosen and sites were eliminated by previous ministers. The process went on and on.

So the Liberal government put together the Solid Waste Interim Steering Committee to bring together the regions and to look for a regional solution, recognizing that in the GTA there are some functions that in fact cross regional boundaries, whether it be transportation, whether it be protection of the waterfront or whether it be looking at our waste management system. SWISC was set up to look for a regional system, but SWISC was going to take advantage of Metro's powers to go beyond the GTA and piggyback on that so the GTA as a whole could look all over the province.

This committee had hearings in Kirkland Lake and heard two sides of the story in Kirkland Lake. They had meetings in Sarnia, and they certainly heard from the people in Plympton that they did not want to be the site for the GTA waste. They went to Kingston, and I do not know whether you heard from people in Marmora, from whom all of us heard in great detail when a site very similar to the Adams mine site was being considered as one of the GTA

sites in the county of Hastings. What you had under the SWISC process was communities all across the province saying, "We don't want the GTA waste; look after your own waste."

The members opposite say, "Look for the best possible site all across the province," and then they acknowledge, as Mr Cousens does, there are some areas of the province where you have a kind of soil type that is better suited to waste management than in other regions.

Perhaps the inevitable conclusion of following Mr Cousens's logic would be that you have one county in this province that becomes the waste management repository for all the rest of the province. The Ontario Waste Management Corp had a province-wide search for the best possible site for a hazardous waste facility and found the kind of depth of clay it required in the county of Lincoln. We all know over the past 10 years how long and how expensive and how tedious and how costly that particular process has been, and I suspect that if we fastened on a county with the appropriate clay and said, "Okay, you're the best possible site in the whole province; you can become the garbage capital of this province," you would not have had the kind of restrained hearings this committee has had. You would not be able to get inside the doors of this Legislature for the entire population of that county being here saying, "We do not want to be the waste capital of Ontario, even though under some technical evaluation we may be the best possible site." So it is essential, as has always been the case, that you define the boundaries within which a site search will occur.

I think it is worth remembering, as members opposite say, "Put Kirkland Lake under an environmental assessment," that under the SWISC plans, Kirkland Lake had every possibility of being an interim site and therefore exempt from the Environmental Assessment Act. If you think for one minute that if it had become an interim site it would not somehow have expanded into the final site, you are dreaming, members from northern Ontario. If you think your meetings of this committee in Kirkland Lake were contentious because there were two sides there, I ask you to envisage the kind of hearings you would have had, had there been any real prospects at that point of the waste going to Kirkland Lake.

Members opposite say we should be open to rail haul. I do not know if Mr Cousens's constituents are fully aware that the starting point for the rail haul to Kirkland Lake was in the township of Vaughan, which means that if we are going to Kirkland Lake, every single garbage truck in the GTA is going to end up in Vaughan transferring its waste on to those trains to be taken to northern Ontario. I hope Mr Cousens, as he advocates the rail haul solution, has made the residents of Vaughan fully aware that this is the implication.

Mr Cousens says he does not want to be the one to say where the waste should go, but if you are having a full environmental assessment and you are looking at the entire province, some time 20 years from now, when you have finally got to the hearings board—because that is probably what you would be looking at, when the entire provincial budget had been spent on consultants and technical studies

to evaluate every piece of land across the province—what would you be doing in the interim?

It is nonsense to suggest that you can look at the entire province. The SWISC process recognized that, so they put in that little clause of "happy host." They narrowed the municipalities within which they were looking for a site beyond the GTA to those that met the criterion of "happy host." And how did they define "happy host"? A resolution from the local council. But it happens that the township in which the Adams mine is situated is an unorganized township. There was a resolution from Kirkland Lake saying, "Put it in the Adams mine, next door in an unorganized township." There was nothing from that particular township.

1110

What would have happened had you embarked on the environmental assessment for the Adams mine or the Marmora mine or the Plympton site and the happy council that had said, "Do it, because we see dollars coming in"—which was, I think, a sham anyway—had then been thrown out and another council had come in that was less happy with this proposal? Do you stop the whole thing and go back to square one?

Just think through, I ask the members of the opposition who put these amendments, the logical conclusion of what you are suggesting. That, I can assure you, is what all the staff members of the Ministry of the Environment who have sat through these hearings did between October 1, 1990, and the conclusions and the introduction of Bill 143, and not just those who were in this room but many, many more.

What we did was come down to several principles, one being that municipalities have the primary responsibility for disposing of their waste. Within the GTA, a coordinated effort had been begun by the previous government. We remain in hopes that the provincial government will not remain the guardian of the wastes of the GTA, but we recognized that if we were to change course from the SWISC proposal, we had a responsibility to undertake to provide the alternative, which is the disposal sites within the GTA. But in this bill we recognize that it is being done on a regional basis, precisely so we retain the option, when we have undergone the agony and the pain of identifying the disposal sites, of having the regions revert back to their primary responsibility, which is management and disposal and integration of the waste disposal system.

That may not be how it ends up, but that option has to be retained and that is the reason we are looking for three sites, one in Peel, primarily to serve Peel—as Peel had been doing before previous ministers of the Environment changed their direction; we have changed it back—one in Durham to serve primarily Durham, and one in York-Metro to continue the arrangement that is in a legal agreement between Metro and York that until the year 2003 they will jointly look after their disposal of their wastes. That is the reason Bill 143 is phrased the way it is and why the amendments that are before this committee today are not satisfactory.

I do not know what discussions the members who put these amendments have had with the other regions, but I



suspect that if the region of Peel or Durham really thought these amendments were going to pass and they would be getting one third of GTA waste within their borders, they would be here to say to you, "That's not the way it ought to happen." While people talk about consultation and what is being heard and what ought to happen, I think they also have an obligation to consider what would be heard if in fact these amendments had any realistic chance of being accepted. I did not hear, as I looked through the transcripts and as I looked through the submissions to this committee, anybody in Durham or Peel saying: "Please, please, it's only fair. We want a share of the GTA waste." If the members who moved those amendments heard that, perhaps they can point it out to me in the transcript.

Let me briefly comment too on the prospect of finding within the GTA perhaps one site for all of the GTA waste, which presumably is contemplated in the remarks we heard. Is that fair? Do you think the community that is identified as being the best possible site within the GTA to take all of the GTA waste is going to be happy? Communities are not going to be happy in having waste disposal within their boundaries regardless of where it comes from, regardless of how big it is, but there is an element of equity in continuing the historic process and continuing the responsibility of regions for managing their own waste.

There are two other quick points I want to make. We heard much from the rhetoric we were being exposed to this morning about the cross-border situation and the waste that is going to the United States. I think members of the committee are aware that I have now met with representatives of the state of New York and the state of Indiana, neither of whom want Metro's waste or the GTA waste to continue going within their borders, both of whom, as we are, are seeking ways to restrict the disposal of waste within their borders to waste generated within their borders. Indiana points out that New York is in a weak situation to ask me not to let GTA waste go into New York because New York waste is going to Indiana, and there is a lot of cross-state traffic in the United States.

That is not going to go on for ever because, again, what this legislation is doing is recognizing what is happening in the world and the new reality of environmental concerns. All around North America and I think in other jurisdictions people are recognizing that we have to begin to take responsibility for the waste we create and that we cannot just ship it somewhere out of sight, out of mind, such as northern Ontario.

The reality is that if you went with the Adams mine and accepted the possibility that you could put all of Ontario's waste in northern Ontario, where do you stop? Why cannot New York go there, too, or Indiana? If you are going to deal with this issue, you have to come back to, where does the waste begin, who benefits from the creation of that waste, how are we going to reduce the amount of that waste, and then have for disposal as little as possible?

I think it is also worth remembering that as you get serious about the 3Rs, what is going to go to disposal is quite different from what now goes to disposal. If you get into a wet/dry separation system, then you are not going to have the amount of methane, you are not going to have the

leachate. You are going to be looking at a different composition of what is in the disposal site. Whether that will make it easier to find locations, I do not know, but it certainly is a symbol of how the system is changing. The cross-border situation will not continue for ever.

Mr Cousens touched on the incineration matter. I know this committee has heard evidence, debate, argumentation and submissions on both sides of that issue. On one side of the room we have people who only hear those who say that incineration is safe. I suspect out there—I know out there, because I have the submissions from certainly all of the environmental groups, and certainly in our government we listen to the technical evidence which indicates that incineration is merely passing the problem to another element. It is not dealing with the problem. It is in opposition to the 3Rs. It is a costly and risky solution to the issue.

I have made it very clear from the beginning that transportation of waste around the province and incineration of waste are two fundamental principles of our government's approach to waste management, and that what we have in Bill 143 is a new approach, a modern approach, a more efficient and effective approach relying on the 3Rs and ruling out transportation and incineration, and requiring regions and generators of waste to accept the responsibility for what they are doing, and therefore have a responsibility to try to create less waste. That is why these two sections of the bill are phrased the way they are and why the amendments that are before the committee today from both opposition parties are, in our view, unacceptable.

**Mr Ramsay:** Minister, we also appreciate your presence here this morning so we can have discussion. In the amendments that I brought forward this morning, we were dealing with the disposal of garbage within the GTA and how that is being proposed in this bill. I have a couple of questions; the first question you touched upon somewhat in your remarks. What are or what were the criteria which made you decide that a landfill site in Peel would primarily function as a site for the waste generated in Peel, the same with Durham, without taking the whole region?

As you have said, historically municipalities have come together and decided on a regional basis how to handle their garbage so that they would have the flexibility environmentally to select the best possible site for disposal. Why have you arbitrarily decided that instead of looking at the GTA as a whole, basically Peel is primarily for Peel waste, Durham for Durham etc, but that the Metro-York partnership is all right?

**Hon Mrs Grier:** I think I touched upon that in my remarks, but let me take it a step further and remind the member that the regional approach to waste, which was envisaged by your government and SWISC, was really a product of the falling apart of the individual efforts of the regions. They were not making progress, and so it was likely that we would in fact have a crisis and run out of capacity. Your Premier said, "Look, get together, we'll do it regionally, and in exchange for doing it regionally we will exempt you from the Environmental Assessment Act for two new greenfield sites, P1 and 6B." That was the

kind of tradeoff the municipalities required to do it regionally, and that was entirely unacceptable to our government.

You touched on the word "primarily," and I think perhaps it is important to touch on why that is in the bill. As I have made it plain from the beginning, we would see the sites in each region being licensed to accept waste from across the GTA. That has frightened some regions because they think, "Oh, dear, if there's only one site open, then it will take the waste from the entire GTA." That is not the intent and that would not be acceptable. But there are emergencies, whether it be a work stoppage that closes down one particular site, and then locations have to be found. What happens in those situations is that regions and municipalities—this often happens—exchange capacity.

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For example, if there was a work stoppage that prevented access to whatever the site was in Metro, then Metro might well make an agreement with Durham that however many tonnes for that short period of time had to be disposed of within Durham, that equivalent amount of capacity would be made available to Durham within the Metro site when that emergency had passed. The degree of flexibility in the certificates of approval is merely to accommodate emergencies and unforeseen circumstances. But we believe it is appropriate that the regions retain responsibility.

One of the other aspects of that is that if you were to have an effective 3Rs and waste disposal system, then we see the need for them to work in a coordinated way. It may well be, for example, that one of the regions may find that the location of the landfill site within its borders is the best possible place for a major composting site or something that enables it, as it will still have responsibility for the 3Rs, to haul the waste and separate it at one particular location, or whatever is going to happen. If you are going to have the 3Rs on a regional basis, then having your disposal sites on a regional basis leads to a more integrated system in the future as this evolves. I think what we have found over the last year and a half is that attitudes have changed and our understanding of how best to do things has changed.

The experience of the municipalities and the regions has led them to require some flexibility. Two regions are presently discussing whether they each need to have a major composting facility or whether one of them could have it to serve both regions. We want to retain the flexibility to allow those kinds of arrangements to be made by the regions that have the primary responsibility, not imposed upon them by the province or by the Interim Waste Authority.

**Mr Ramsay:** I would like to thank the minister for her response. You anticipated my second question. I am just wondering why then, in the definition you have given today of the primary function of the site, you do not define that in the bill to give some sense of certainty to municipalities, if that is what your intent is, so that Durham would have a sense that no, it is not going to get all of Metro's garbage. But you have said "primary" as a way to give us some flexibility, as you have just outlined. Would

you not want to give that sort of certainty in the bill by defining that a little more closely?

**Hon Mrs Grier:** The certificate of approval for the ultimate disposal site will be the instrument by which this service area and the conditions to use will be defined. I do not think the legislation is the appropriate place to do that. "Primary" means primary. How that gets worked out will evolve as we get to the certificate of approval standard.

**Mrs Marland:** I am wondering what the minister's schedule is. Will you be here again tomorrow or will you be here this afternoon, or is this our only opportunity to ask you questions?

**Hon Mrs Grier:** I am here to deal with these particular sections this morning. Wednesday is cabinet day, so I am not in cabinet by being here. I felt it was important that I be here to have the debate on these particular amendments. I will be available if there are other amendments of principle where perhaps it is important that the committee hear my point of view, but I think, both in my remarks the first day and in my explanation of the reasons for the underlying principles of the legislation, I have said it. I do not think it is productive to say it again and again, though I recognize that has of course happened during the course of the committee's deliberations.

**Mrs Marland:** There has been some latitude in the discussion and your response around section 12 and I have some questions, so I am going to ask them now while you are here. I just did not know how your appearance before the committee was scheduled, so I will use this opportunity.

**Hon Mrs Grier:** The Chair has given me permission to speak to these two sections. The debate on these sections has ranged fairly widely and I attempted to respond to that. The Chair's latitude is great.

**Mrs Marland:** That is fine. I understand that.

First of all, as it pertains to this section, we are talking about sites in the GTA, and in particular, in paragraph 12(1)1, we are talking about the site in Peel. I am wondering how you reached the decision that the new site would be used for a period of at least 20 years.

**Hon Mrs Grier:** I think the 20-year period is the traditional one that municipalities have sought landfill disposal sites for. We all recognize that if we are really effective with reduction, it is the expectation or the hope that a site may last longer, but I think for the purposes of arriving at calculations and being able to present a case before the Environmental Assessment Board, it was important to establish a minimum, and so we have established 20 years as the minimum.

The determination of the amount that can be expected to be obtained as a result of reduction, or the amount of reduction that can be expected to be obtained, and the capacity will be the alternatives that will be debated before the board. We have to have a starting point for those calculations. Twenty years is the customary period for a landfill, and that is why we put that in as the minimum period.

**Mrs Marland:** The reason I am asking you that question is, as you know, that the Britannia landfill site was agreed to for a 12-year term, from 1978 to 1990. I believe



all the parties to that agreement at the time were able to reach that agreement because it was a 12-year term.

Obviously we all understand how difficult it is going to be to site any of these new sites, and I am wondering why you would not have considered a more reasonable length of time, regardless of how much capacity there is or how long it takes to fill it up, from the standpoint of the actual function, the intrusion into the community, no matter where it is—the transportation, the trucks, the noise, the dust—no matter how well managed it is. By the way, the region of Peel site at Britannia is extremely well managed, as I know you are aware.

In trying to convince people that we all generate garbage, we are all responsible for it and we cannot leave it for everybody else to endure, that we are all part of it and share that responsibility, would it not have been easier to decide that it did not have to be at least 20 years; that if it was feasible, to establish a site for eight or 10 or 12 years—and I use 12 as the example of Britannia—so people could at least know there was an end?

The way the bill is written, we are talking about at least 20 years. People are going to fight till the last dog is hung against the siting of that new site because they know it is going to be there at least 20 years. I think your ministry could sell it far more realistically if it went to the community, once it is established that that soil is correct and all the other criteria for that site are established, and said, "Look, this is where the site has to be, for all of these reasons, but you can be assured that it is going to be a 10-year site," or a 12-year site, so that the people who invest in property and may have already invested in property have that parameter. Or new people moving into the area who know the site is there and operating can say, "Well, of course, it is going to be closed in five years' time or six years' time," or whatever it is. Then there will be an end to all the aspects of the intrusion of the operation of a landfill site in that community. Then everybody is equitably treated. It is not an intrusion, according to this bill, for "at least 20 years" in one part of a community.

1130

**Hon Mrs Grier:** I certainly understand the argument you are making and I have heard it before. I have engaged in it as we constructed this bill.

Let me say, I certainly agree with you that the Britannia site is a very well managed one, and so is the Keele Valley. It is large and there is some blowing from it, but I have seen waste disposal sites in other jurisdictions in other parts of the province that would make your hair curl as compared to Britannia and Keele Valley. Metro and municipalities within the greater Toronto area operate sophisticated landfill sites as best they can be. I appreciate the member's recognition that it is not going to be easy to find a site, but we do have to find one.

The difficulty we had in determining what to put in the legislation—for instance, there are two ways of defining the size of a landfill: One is a time limited one, the other is the actual capacity of the landfill. Ultimately what you are going to get down to is a certificate of approval based on the capacity, and that means based on the environmental

considerations: If this is determined to be the best possible site, what amount of waste can safely be disposed of there, and what kind of systems do you have to build in, whether it be leachate or collection or whatever the technical terms are, that would accommodate a certain number of tonnes as opposed to a lifespan? We had to start somewhere, and to say "to a certain capacity" was a very open-ended way, because the debate before the Environmental Assessment Board will be precisely around what the capacity of the site ought to be.

I know there will be arguments brought to the board, but whatever site is chosen there will be some who feel that environmentally it is not appropriate and therefore does not have this X amount of capacity. There will be some who will say that if we got really serious about the 3Rs we could get down to reducing waste by 80%, 90%—we have heard those arguments and they will be made, I am sure, at any hearing—and therefore we want less capacity. There will be those who will be saying that the economy is going to boom and that our 3Rs are unrealistic and therefore we will want more capacity. So the provision in the bill starts from a period of at least 20 years. I would anticipate that the decision of the Environmental Assessment Board will have translated that into the ultimate capacity of the site.

I want the officials to stop me if I am saying something that is misleading or wrong, but that is my understanding of how it will come down. The 20-year period, at least, is the beginning of the debate and is the point at which the figures determining the amount of reduction that is possible will be calculated based on extrapolations of today's situation.

One of the things we have found as we have gone through this is that you are constantly dealing with moving targets. You are dealing with how much waste is being generated—

**Mrs Marland:** No, I understand that.

**Hon Mrs Grier:** You are dealing with capacity, you are dealing with reduction, and we anticipate, as the measures in part IV of the bill begin to take effect, that we will know five years from now a great deal more about our capacity to reduce than we know now. So we have to retain the flexibility to deal with that.

**Mrs Marland:** Yes, I understand all that. I am just saying I think it would have been more realistic if you had given that range of opportunity in the bill and said at least 10 years or maybe even at least 12 years, because then, based on the arguments you have just given about capacity, ongoing need and maybe ongoing reducing need, all of those things could still have fitted in. I am not asking you to say a maximum, I am asking you to have been a little more realistic in the latitude you could have given yourself by saying at least 10 years or at least 12 years or whatever you wanted to say. As soon as you say at least 20 years, that puts up this monumental roadblock to anybody who is looking at where it might be. I am just saying if you had put in at least 10 years, it gave that range or scope of opportunity.

**Hon Mrs Grier:** Let me just add one more point. It has taken us 10 years from the time in which a crisis was recognized to get to the point of moving forward to find disposal sites on a realistic timetable within the GTA and with a realistic expectation of success. So if we had 10 years in the bill, we would barely have had the first one opened when we were beginning this arduous, expensive and intensive process of finding the next ones, and as I have expectations of being minister for at least the next 15, I was hoping to avoid having to do it twice.

**Mrs Marland:** No, Madam Minister, that argument does not follow. I am sorry.

**Hon Mrs Grier:** That is why I did not make it seriously the first time around. But I think you have to look at how long it takes to do this.

**Mrs Marland:** The argument you have just given is that it is 10 years to take us to where we are getting now. I am dealing with where you are talking about a time period in this section of the bill. In this section of bill, it talks about the disposal of waste generated in the regional municipality over a period of at least whatever. This is talking about, "When that landfill site is established, its primary function will be..." So that little argument you just gave about how long it has taken us to get where we are does not apply here. I understand this is saying that when the site is located, its primary function will be to look after waste.

**Hon Mrs Grier:** No, I am sorry. The fundamental element and need for this clause is to define the project, and the project and the undertaking is a landfill with a capacity to take the waste from the region of Peel for 20 years. That may well be a different size than the landfill sought for the region of Durham for 20 years or the landfill for York-Metro for 20 years, because we will be trying to anticipate the amount of waste to be generated, the amount to be reduced, and that will be the argument before the board. So your whole undertaking is based on the calculations that flow from this section of the legislation.

**Mrs Marland:** I understand that, but you just said, "It has taken us 10 years to get where we are now and we still don't have a site." That is not part of this argument. This bill establishes that a site will be located, and when it is located, the function of it will be to look after the waste generated in that region for a period of at least 20 years. So what you are saying are two different issues.

Because of the time, I want to get to two other things that are particularly important. First of all, the last time I had an opportunity to ask you, Madam Minister, about the concerns about the lack of opportunity to create jobs in the region of Peel because of the freeze on the lands around the buffer, I know you had some meetings and I know there were presentations to this committee by representatives of the land owners around that buffer area. I do not know if you can listen to me and—

**Hon Mrs Grier:** I was just trying to be brought up to date on where those negotiations were at. Sorry.

**Mrs Marland:** I know the request from the land owners was to permit them to go ahead with an agreement with the ministry and the region and any other necessary parties

that there would be a waiver of any claim because of the ongoing use of the Britannia landfill site. In other words, if this legal agreement could be drafted and acceptable to all parties, it meant we would be creating jobs in the construction of 5,000 units. We are talking about 5,000 building units and thousands of hours of employment for people in the construction trade. Most important, we would be creating those homes for future home owners to buy, a large percentage of which were in the category of affordable homes, which I know your Ministry of Housing is interested in getting off the ground. Have you found a solution where that is a possibility now?

**Hon Mrs Grier:** I think I addressed that on the first day I was here, and I am sure you will get into it again in the next part of the bill. As I indicated on Monday, we are still discussing with Peel and with the ratepayer associations and the developers what we can do with respect to the buffer, but we will not be able to do that for sure until after the technical studies that Peel has now agreed to undertake and define as to where the lift is going to go.

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As you know, I asked Peel last August to undertake those studies. They only agreed to begin them, I think, in February, and so we lost several months in being able to better define the buffer. Now that those studies have begun, they will be finished, I think, early in April or May some time. Then we will be in a position to debate with the land owners. But the land owners and the residents' groups are fully apprised of what is happening and aware of those studies and the terms of reference to those studies. We share your concern and wish that we could have moved on this last August.

**Mrs Marland:** The other question was, I raised with you on Monday a letter you had sent to the district chairman of the district of Muskoka, Mr Frank Miller. In that letter there were major contradictions about what it was your ministry was allowing the district of Muskoka, which includes the township of Muskoka Lakes, to do. At the same time, you were not only allowing but promoting through this bill a totally different set of rules within the GTA. I wondered if since Monday—as today is Wednesday—you have had an opportunity to review that letter and those contradictions and to explain to the people in the district of Muskoka, and particularly in the township of Muskoka Lakes, why they were being forced to ship their garbage out of their municipality to a leaching landfill site in McDougall when they wanted to have the alternative sites that were available to them within their own township.

**Hon Mrs Grier:** We had some exchange about this again on Monday. I indicated to the member that I disagreed with her interpretation and that there was in fact a historical relationship between the town of Muskoka Lakes and the McDougall landfill site. I have not had an opportunity to get any more current than that, but I will attempt to get some information and get it to the member.

**Mrs Marland:** Thank you. I appreciate that.

The other thing that came up yesterday, which I think is really significant, Madam Minister, is that when we were talking about the Interim Waste Authority's powers



and responsibilities, it came to light in response to some questions I raised that it will be the Interim Waste Authority that will be acquiring these landfill sites and paying for them.

**Hon Mrs Grier:** That was what I said when I established the Interim Waste Authority last November.

**Mrs Marland:** There has been a misunderstanding then, because when we talked about the \$17 million that had been loaned by the government to the Interim Waste Authority to set up and get rolling and do its job, which was to hire consultants to find these sites in these regional municipalities within the GTA, the understanding has been within those municipalities that they are going to be billed back the cost of the work of the Interim Waste Authority. Since you are here this morning, I just want to be very clear that we are now understanding that the Interim Waste Authority is going to be given ongoing funding from the government to acquire the land, pay for it and establish these sites, and that it will not be at a cost to the regions.

**Hon Mrs Grier:** I think everybody has clearly understood that the Interim Waste Authority has the role, the responsibility and the funding to seek, get approval for and construct landfill sites within the GTA. That has always been the basis upon which this legislation and the policies of the ministry have been founded.

**Mrs Marland:** It was just hard to see how they could possibly do that with \$17 million only.

**Hon Mrs Grier:** Representatives of the Interim Waste Authority, I am sure, can address that when you get to the specific clauses around that.

**Mrs Marland:** I cannot—

**Hon Mrs Grier:** Oh, I see. Mr Merritt is explaining to me that you are looking at this year's allocation for the Interim Waste Authority.

**Mrs Marland:** It was last year's when it was announced. It was \$17 million.

**Hon Mrs Grier:** I think that like any other agency its budget and funding will be reviewed by the government on an annual basis.

**Mrs Marland:** So then the Interim Waste Authority is not going to bill back to the regions the cost of its work or the cost of acquiring the land to establish the new landfill sites?

**Hon Mrs Grier:** What happens traditionally when a landfill site is built or constructed by anybody is that the capital investment in creating the landfill site is paid for by the costs, the revenues or the tipping fees for the use of that site. Metro is now charging \$150 a tonne at Keele Valley and I think its real cost of operating the site is around \$20 or \$30 a tonne. They are now in a profit-making situation with Keele Valley. The underlying costs and calculations that were done before establishment of the Interim Waste Authority have certainly amortized the capital costs of setting up the sites over the 20-year minimum lifespan and indicate that, as with any other capital investment, the revenues that are generated will pay back the capital and the interest. This is a businesslike proposal. This is not going to be a subsidized proposal. It may or may not be a revenue-generating proposal, but a lot of that

will depend upon the future operation and the negotiations with the regions when the sites are up and running.

**Mrs Marland:** But under subsection 12(1), where we were talking about the establishment of these sites, I know that the understanding of the regions is not what you have just described. That is why I am encouraged to hear the answer on the establishment of these sites and the acquisition of the land. You are saying that the tipping fees pay for the cost of the land. It does in the long run, but you just do not go in and say to this land owner, "We're going to use your land for a landfill site." That property has to be bought. You are saying the IWA is going to upfront the capital cost of buying that land.

**Hon Mrs Grier:** That is why the IWA has an initial budget of \$17 million. The Treasurer has provided that to the IWA. I have to disagree, Mrs Marland. As you can imagine, I have spent many hot and heavy hours with the regional chairs from 1 October 1990 as we evolved a program and policies for waste management within the GTA. Certainly I think they are very clear that they are not paying for this. If they thought they were, I am sure they would be here today.

**Mrs Marland:** They have been here and complained about the fact that under this legislation you have all the power and the regions have all the bills. You have heard them say that.

**Hon Mrs Grier:** I think some of the spokesmen for them have perhaps said that—I do not mean the regional spokesmen, but certainly some of their positions have been interpreted to this committee by others in a way that could lead to misunderstandings. I think perhaps there is some fear on the part of the municipalities that as the Interim Waste Authority is going to be laying out the capital, absorbing the costs of the consultants, the hearings, the intervenor and participant funding, the Interim Waste Authority may then want to keep all the revenue. The municipalities would like us to bear all the costs of setting up the sites and probably then allow them to take the tipping fees. That is where some of the negotiations are going to have to go on, but it is very clear that by stepping in and creating the Interim Waste Authority the province has undertaken responsibility and relieved the regions of the responsibility of finding long-term disposal sites within the GTA.

We have also said to the regions that we see the revenue to be derived from disposal as being used to fund the 3Rs and recognize therefore that negotiations have to continue to go on between the regions, the ministry and the Interim Waste Authority so that we end up with a comprehensive waste management system for each of the regions within the GTA. That is my objective and my responsibility as minister and what I intend to do and why I have, as the regional chairs have made it plain, agreed to take the pain that comes with finding long-term disposal sites and put an end to the confusion, obfuscation, delays and obstruction that brought us to a crisis within the GTA.

I have devoted a great deal of time, and the government has devoted a great deal of resources, to trying to resolve these problems once and for all. I see this legislation as being a very good first step to take us there. There are

still a lot of issues that will have to be negotiated with the regions. We have already had those debates. I think the regions, the IWA and the ministry are very clear as to where responsibility lies and what outstanding issues have yet to be resolved. I am confident that they understand the role of the Interim Waste Authority and are happy the Interim Waste Authority is doing it and they are not. They will be even happier when the Interim Waste Authority prepares the long list and that hits the media later on this summer.

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**Mrs Marland:** A few minutes ago you referred to the subject of incineration. There is a reference further in the bill, albeit not in this section. In case you are not back at that point, can I just ask you whether you would be willing to add in that clause "or waste in the form of refuse-derived fuel" where there is a reference to incineration?

**Hon Mrs Grier:** Can you cite the specific section for me?

**Mrs Marland:** Yes, I can. It is clause 14(2)(a). That is, I think, the first time the reference to incineration is made.

**Hon Mrs Grier:** "An alternative of waste reduction or reuse or recycling if that alternative would involve incineration of waste or the transportation of waste from the primary service"—

**Mrs Marland:** Yes.

**Hon Mrs Grier:** I am sorry; what is your suggestion?

**Mrs Marland:** My request is that where there is a reference to incineration you make it very clear by adding "or in the form of refuse-derived fuel," because there were presenters to this committee who said that to a layperson the term "incineration" means burning. I think in the long run down the road, to save money in debating in court what "incineration" means, the bill should have the technical definition of what "incineration" is, either by a reference somewhere else in the bill—the technical definition apparently is the oxidation and reduction of molecules by which heat and light are emitted. That apparently is the technical definition of "incineration." But where we are talking about the disposal of waste we need to add "in the form of refuse-derived fuel" as well. I am just asking, with your permission, if you could direct your staff to consider those two important aspects. Somewhere down the road there is going to be, as you well know, a question about what incineration actually is. "Incineration of municipal solid wastes" was your original statement from the ministry. But I think when we talk about municipal solid wastes, we have to also identify whether or not it is refuse-derived fuel.

**Hon Mrs Grier:** I certainly know of your interest in this issue. We have exchanged correspondence around this whole question, so I am interested in your suggestion. Can I ask if you have an amendment to suggest before the committee with respect to that?

**Mrs Marland:** No, I have not written the amendment. I am quite happy to write the amendment so that where there is a reference to incineration we all understand what that means.

**Hon Mrs Grier:** I think what would be very helpful is if you could draft an amendment such as you suggest and then I will ask my officials and our representatives on the

committee to have a look at that. When the committee gets to that point in the bill, then we could give you an answer. I think if you could put some words on paper, that would be a start. The officials will be available to help you draft that, if you need to do that, but I certainly understand your concern and would be happy to consider it.

**Mrs Marland:** You also mentioned this morning—

**The Acting Chair (Mr Beer):** Excuse me, Mrs Marland. I have been trying to allow some leeway in our discussion. There are two other people who still want to speak, and given that the minister may not be able to be with us this afternoon, I want to allow them a comment. I just wonder if I might—

**Mrs Marland:** This is very fast.

**The Acting Chair (Mr Beer):** All right. Thank you.

**Mrs Marland:** When we were talking about the capacities of these sites under subsection 12(1), you mentioned this morning again about the importance of reduction—well, any of the 3Rs. I am just wondering if you have any plans to demonstrate the commitment that you had to reduction when you were the critic and criticized Mr Bradley because he would not increase the requirement for refillable containers. Do you have any plans to increase your requirement for refillable containers, particularly with the soft drink industry?

**Hon Mrs Grier:** Not in this piece of legislation.

**Mrs Marland:** Or regulations?

**Hon Mrs Grier:** This legislation provides some elements with respect to packaging further on but does not specifically address soft drink containers.

**Mrs Marland:** But are you going to be making, through regulations, a commitment to increase the requirement for refillable containers.

**Hon Mrs Grier:** Certainly I think my support and commitment to maintaining the requirement that is there as a minimum is well known. I am happy to restate that. I cannot at this point indicate to the member the action we will be taking other than to assure her that my ministry has spent almost as much time on soft drink containers in the last weeks as we have on this. I have asked for a series of options to be presented to me that would include both the proposals of the Ontario Soft Drink Association and options that would work towards a deposit system, greater use of refillables or a levy system. We are examining all those options.

**Mr Solá:** Minister, in your statement this morning you mentioned that there was a crisis in waste management in both the GTA and the province and that among your ways of coming to a solution you were looking for efficiency and that this word "efficiency" meant better use of land and resources. I am wondering how you can achieve efficiency by choosing the highest-priced land in the province for your waste disposal sites.

**Hon Mrs Grier:** I have not chosen any particular piece of land for a waste disposal site. The Interim Waste Authority has established environmental criteria within which a determination will be made of appropriate environmental locations for a landfill site, but I think it is very important that we recognize that what comes first is the environment.



If you look at the record of municipalities that have chosen a disposal site based solely on "This piece of land happened to be available"—you may well be familiar with the EA decision on St Vincent and Meaford, municipalities in the Owen Sound area. The Environmental Assessment Board has made it very plain that the environmental assessment legislation, which I know you support, requires an examination of all alternatives and the best environmental site. That is what we are doing.

**Mr Solá:** Does Bill 143 not eliminate the options? You have put political boundaries as the number one criterion for the location of landfill sites. I am asking what political boundaries have to do with, first, efficiency and, second, environmental concerns or environmental safety. In this particular section we are dealing with, you mentioned three areas within three regions. They have nothing to do with being environmental areas. Those are political boundaries that will be forced to absorb waste disposal sites, whether there are better environmental locations elsewhere.

**Hon Mrs Grier:** Your colleague has put forward an amendment to this section of the bill. He and Mr Cousens have both made significant arguments around that to which I responded, I think, before you were here. But as I indicated in those remarks, historically and legally municipalities have looked for landfill sites within their own boundaries. They have sometimes made arrangements with adjacent municipalities and become involved in waste management master planning. Metro was the only municipality that had the right to look beyond its own boundaries. Many municipalities have said: "Why should Metro have that right? Let's make all municipalities equal." Essentially, that is what we have done in this legislation.

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**Mr Solá:** You just led into the other question I was going to ask. Another priority seems to be to take away from Metro its special powers to locate its waste disposal site wherever in the province. Again, I am asking you this: What does taking away their powers to dispose of their waste wherever they can get an agreement have to do with, first, efficiency and, second, environmental safety?

**Hon Mrs Grier:** Again, all of my comments this morning are on the record. What you have to consider is how can we best get to an integrated waste management system that focuses on reduction and reuse, one where the responsibility remains with the municipality. Metro, in having the right to seek a site all across Ontario, has effectively generated from municipalities all across Ontario a position that Metro ought to look after its own waste.

Metro has had a historical agreement with the region of York that goes until the year 2003, whereas under the government six years ago it was looking for its own site. Then they were brought together in a regional search, and essentially what we are doing in this legislation is going back to making the regions and the municipalities responsible, even though the search is being undertaken by the Interim Waste Authority.

**Mr Solá:** You have touched on something that Mr Wiseman touched on yesterday. You mentioned the fact that Metro's costs are about \$30 a tonne and its tipping

fees are \$150 a tonne. I would just like to quote a statement that Mr Wiseman made yesterday. He said, "I think I have gotten pretty far down the road where I wanted to go, and that is that there is a huge amount of money, and that is part of the problem, is it not, in terms of \$12 billion of absolute dollars over the next 20 years, and the real debate, as far as Metropolitan Toronto is concerned, is who is going to control it and where it is going to go." Further on he mentions these figures, and he says the costs are such, the fees charged are such and "the rest is profit."

What I gather from his statement, and I think what I gather from your statement this morning, is that one of the primary concerns with Bill 143 is not so much the solution of a crisis in waste management as it is the elimination of the profit that Metro is making from its waste disposal site. It seems to me more an ideological approach rather than an environmental approach or a waste management approach to a solution of any problems.

**Hon Mrs Grier:** I guess there is a difference of opinion. I certainly think I agree with Mr Wiseman's statement. You have across this province now municipalities that do not have the revenue to put in place the kind of recycling and reuse systems they would like. Citizens are requiring municipalities to take a much greater interest in the 3Rs than they have ever had to do before, because traditionally—and I was on a municipal council—all you worried about was how could you get rid of the stuff. Now the ratepayers and the communities and the businesses are saying: "Help us reduce it. Help us find ways to reuse. Help us find ways to recycle."

What has happened is that the revenues to be generated by disposal have not been put back into effective waste reduction. I think what Mr Wiseman was referring to, and what you see as a result of the initiatives taken in this bill, is a comprehensive system that is going to link the two and that is going to make sure that the revenue—and I just had this exchange with Mrs Marland—that is derived from the sites is used to make sure that we reduce the amount of waste that has to go to the sites, not for some other purpose or not dissipated in who knows what way.

By just picking out one element of what we are trying to do, it is easy to distort the whole. That has been the way for too long; people have dealt with pieces of the problem. I think the public, the environment and certainly the approach of this government demand that we begin to look at things in a more comprehensive and integrated way.

**Mr Solá:** I think your approach has been wrong in that we have heard in statements before this committee from Mayor Hazel McCallion and also from councillors from Metro Toronto that the 3R program is working better than they anticipated and that their problem is not getting the 3R programs to work but getting markets for the recycled products. You would probably get more cooperation and better results from your 3R programs if you invested some money in trying to find additional markets for the recycled products than you are by trying to jack up the prices by forcing Metro and the three regions that are mentioned in this section here to use the highest-priced land in the province to dispose of their waste.

One metro councillor—I forget what his name was—mentioned that once everything is sorted, they store it for a while and then they still dispose of it at Keele Valley with the higher cost that it took to sort the stuff and store it. Finally, because they could not keep it any longer, they had to dump it where it would have gone originally without the sorting.

**Hon Mrs Grier:** I do not quite follow the logic of some of the premises of your question, but let me say that I hope you ask the municipalities, as I do, what they are doing to contribute to creating markets, because the primary way of creating markets is for us all in our procurement policies to make sure that we begin to look at the use of these resources.

I know the provincial government, under my colleague the Minister of Government Services, has begun to do that. In our ministry we do it with unbleached paper, and by our habits we all can create markets for environmentally friendly and desirable products. So that has to be very much a part of the market. I agree with you entirely that creating markets is very important. It happens in a number of ways. It happens by procurement policies of government and it happens by the kind of research and work that the waste reduction office is doing. Helping to create markets is very much a part of their mandate, and they do it by funding pilot projects and experiments, by demonstrating that in fact products that can be produced through reused materials are usable and deserve the creation of a market. It also comes from public opinion and education, and we are doing some of that too.

I was very struck, again, in another context when I met with officials of Northern Telecom who have taken a very progressive step in phasing out the use of CFCs ahead of the targets that had been set. I said to them: "Why did you do it? What was the instigation of you making this move?" It was threefold: It was the recognition that regulation would come at some point that would force them to do it, so they could get a jump on the competition by getting out there ahead and developing the technologies that would enable them to produce their product without CFCs; it was their customers, who were saying to them, "We want you to begin to develop products that do not contain CFCs"; it was also their perception as a company that their image would be better if they were able to act in an environmentally sound way.

I think we are all feeling that kind of three-pronged pressure, whether it be from our constituents or from the businesses in our communities or from our municipalities. So you cannot say there is any one way that you are going to turn the world around and make it better, but you have to be open and flexible to responding and to assisting where you see the impetus to create a market, to find an opportunity, to move Ontario's economy into the next century.

I talk to people from West Germany, and the environmental industries there are phenomenal, and it has happened because of the pressures from environmentalists. A recent survey by a Frankfurt newspaper, one of the most conservative ones, asked people in their target area, "What do you think government money should be spent on most?" Ahead of health, housing or jobs came protecting the environment. So the community pressure there is forcing industries and government to protect the environment. In

Japan, the need for energy efficiency has created lean and green industries.

If Ontario does not start recognizing that waste is waste and waste is inefficient, we are going to have an even harder time getting out of this depression than we have had in the past. I see this kind of an approach to waste, the work that we are doing with industries, with institutions, the work we are doing to create markets and the kind of procurement policies we want governments and municipalities to put in place as part of an overall picture and part of a comprehensive approach to link the environment and the economy and to get us to sustainable development. If we do not start doing it in every action, in every ministry and in every function of our lives, we are going to be back 10 years ago, where obsolete economies are. That is why I think this legislation is so progressive and so deserving of support.

**Mr Solá:** Your words are much more reassuring than your bill. You have mentioned the word "consultation." I would suggest that perhaps you make yourself more available to opponents of your way of thinking because, as I said, when you explain your bill it is much more reassuring than when I read it. The impression I have from listening to the testimony of numerous witnesses before this committee is that everybody is scared by your bill and those who oppose the bill have not had access to you or to your office; those who have supported your bill do. So I would suggest, in order to be able to make this saleable, that you keep an open mind and hear both the proponents and the opponents.

**Hon Mrs Grier:** I do not know whether you were at the meeting that many of us in this room and your colleague the member for Mississauga South was at in Mississauga. I do not think any other Environment minister has gone and spent four hours on a platform in a community dealing with pieces of legislation, being questioned by the public, by the municipal representatives and by the regional representatives, all of whom came thinking they opposed the bill. In fact, half of them ended up acknowledging the good work that was being done by this bill.

I ask you to look at my schedule some time. I meet with opponents of my legislation just as much as I meet with proponents. In fact, I do not often need to listen to the supporters. The people who need to come to me are the opponents, and they have probably had far more of my time than the supporters of this legislation. The thoughts, the principles and the underlying values of this legislation are mine; blame the lawyers for the wording.

**The Acting Chair (Mr Beer):** Before adjourning, could I just indicate that the clerk is circulating several government motions, in the form of amendments, that we will be dealing with later, and if I could remind all members that by 5 o'clock today all amendments must be in. So if anyone does have further amendments, they should be submitted by 5 o'clock to the clerk. We will reconvene, as I noted earlier, at 2:15. At that time, Mr Cousens is the only other speaker I have down at this point, and he will start us off this afternoon. Thank you. We are adjourned.

The committee recessed at 1213.



## AFTERNOON SITTING

The committee resumed at 1417.

**The Acting Chair (Mr Beer):** Okay, we are ready to begin again. I just remind everyone that we are on part II of the bill and dealing with two motions, one put forward by Mr Ramsay and one by Mr Cousens. I indicated when we broke for lunch that we would start up again with Mr Cousens, and that is a bit as we began this morning; plus ça change, plus c'est la même chose.

**Mr Cousens:** Good line. I was looking for some notes, and part of the reaction I have to some of the comments made by the Minister of the Environment has to do with some of her misunderstanding of the rail option. We have had a number of presentations, one by CN and one by CP, and then Notre Development of the Adams mine proposal had a certain amount to say on it as well, so we as a committee might have been closer to what was going on than even the minister, because how could she have ears for all that was going on?

The rail option really cannot be put down so easily where someone could even infer that because poor Vaughan, having just grieved over Keele Valley so much—and then say, “Well, if they think they’ve got a problem, they’re going to have one with the rail option.” That is where I have to come back and suggest the presentation made by Lorna Jackson, mayor of the city of Vaughan, was rather open to the rail option, as an option only.

Let’s look at it. At least from the early dialogue that had been taking place between the rail companies and the city, that became a viable alternative, viable in the sense that there are ways of getting the trucks in and out of the MacMillan yard without taking them through subdivisions and communities the way they are now. It would come off a road brought from Highway 400, as I understand it, so there is not going to be the hassle that residents are enduring right now with all these vehicles going up and down alternate routes to get to the landfill site.

No one is in love with garbage, but at least the people of Vaughan are willing to look at other options, and it does have certain natural characteristics that lend themselves to being considered as the starting point for hauling Metro and greater Toronto area garbage to the locations that might be chosen, should that include the Adams mine site.

That really begins to put just a little bit of balance to it, because I think some people are very quick to give a jab and say you are probably going to come up with the NIMBY syndrome; that is, “not in my backyard.” That is not the way in which the city of Vaughan has presented this. The city of Vaughan has as much at stake in Metro’s garbage as anyone right now because it has the single largest landfill site in North America within its jurisdiction. Not only is it there; it is not even owned by them or run by them, and someone is going to add to it without their having anything to say about it. At least they are involved in trying to find a solution to this problem, and that has to do with the rail-haul option.

I table those concerns. I think we could spend some time going through those considerations that have been presented, and yet I think that would be a disappointing use of time for the committee. One is tempted, because it would appear to me the committee has not given the kind of attention to those matters that I would have hoped.

**Mr Chairman,** I have a problem. When we cleared our desks for the noonhour teleconference, I left some materials on my table which I was going to refer to in my remarks and I am having difficulty finding them now. Unless you want to go ahead and vote on the motion, I really could pass the floor to someone until I find those notes.

**The Acting Chair (Mr Beer):** Okay. Just with respect to those notes, I believe, because I watched some of the proceedings, there was somebody from your party sitting in that chair. Was it Mr Wilson? If they were on the desk, I am wondering whether maybe he—

**Mr Cousens:** He is a totally trustworthy person.

**The Acting Chair (Mr Beer):** He must be. The farthest thing from my mind was to suggest otherwise. In fact, your arguments may have been so compelling that he wanted to go over them. Are those remarks ones that you might be able to make with respect to another part of the bill?

**Mr Cousens:** Knowing how strict you are as a Chair, I might lose my chance. I will have to yield the floor temporarily.

**The Acting Chair (Mr Beer):** Actually Mr McClelland has indicated he would like to speak on this part, so perhaps while he is speaking you might either find the missing papers or find the person who found them.

**Mr McClelland:** In my absence this morning, I understand that some very interesting discussion took place around subsection 12(1) of Bill 143 and from time to time was colourful. I am sure the description I was given of Mr Cousens’s involvement this morning did not do it justice, but none the less I found it interesting to hear what transpired this morning.

I want to comment about subsection 12(1) with respect to the issue of confining a primary service area, as is contemplated by subsection 12(1) in its present form. One of the difficulties is the confusion that exists, as Mrs Marland said, in letters that have gone out in correspondence. I am glad my friend and colleague Mr Duignan is here with us this afternoon, because I want to refer to a letter that was sent September 24 that I think brings into focus some of the uncertainty and confusion that surrounds the minister’s, and indeed the government’s, stated position that each municipality must deal with waste generated within its own region within its own boundaries, save and except Metropolitan Toronto’s, which will probably end up in York, and Kingston’s, which will end up in Ottawa, at least for the time being, and except for the industrial, commercial and institutional, on the order of about a million tonnes a year, more or less, that is heading to the United States.

I think that is part of the problem that communities such as municipalities, municipal governments, the private waste management sector, and organizations such as AMO are dealing with. They are saying: "What rules apply, and how do we rationalize this? What is the justification for this primary service area designation? Are we talking about processed materials? Should they be permitted to move? We have heard some indications they are, but there is some uncertainty about that."

Let me give you and refer you to a letter of September 24, 1991, written to Mr Costea, the administrator-clerk of the corporation of the town of Halton Hills. It is a letter over the signature of Minister Ruth Grier, with a carbon copy to the Honourable Bob Rae, Premier. It is written to the administrator, as I said, and the minister states, among other things—I refer to paragraph 4, the second sentence—"As I have clearly stated before, municipalities are expected to manage their own waste within their own borders."

I might indicate parenthetically that this letter is in response to some queries made with respect to the proposed Acton quarry landfill environmental assessment. But here is the confusion. That was paragraph 4. In paragraph 5 we read, "The privately managed industrial, commercial, institutional waste stream would also be received at the GTA sites," ie, the long-term or temporary sites. "However, the generators of this waste would also have the option of disposing of this waste at any facility suitably approved to receive it, including, potentially, a landfill in the Acton quarry."

We have a letter in one paragraph that says: "Each municipality must deal with its own. That's our position, save and except for all the exceptions," and we do not know the rationale for that. But the very same letter in the next paragraph says, "However, the generators of this waste would also have options." You ask why people are confused.

I wonder if the parliamentary assistant can help us in response to the letter of the minister dated September 24. How are people who are looking at and contemplating the Acton quarry landfill, the proponents and those who are opposed and the corporation, which has asked the minister and the Premier to intervene and not allow a joint board hearing—which, by the way, has been ordered by the minister—how are they to reconcile these apparent conflicts? What will Bill 143 do to change the impact of a letter such as this? If Acton quarry goes ahead, and let's just say hypothetically it passes through an environmental assessment and is approved and the certificate of approval is forthcoming, according to this letter industrial, commercial and institutional waste would be allowed to be shipped. So are we talking household waste only? I just wonder if you could help us with that.

**Mr Wiseman:** On a point of order, Mr Chairman: I have two questions. Are we still dealing with paragraphs 12(1) 1, 2 and 3? If we are, how does this current line of questioning relate to those questions?

**Mr McClelland:** I will explain it, Mr Chairman.

**The Acting Chair (Mr Beer):** I have been allowing, with this one, a certain amount of leeway in that it does

deal with sites and how sites are to be determined, and I would be interested, as Mr McClelland goes on, in seeing the direct link between the Halton Hills issue and these particular motions.

**Mr McClelland:** Mr Chairman, let me help my friend Mr Wiseman, yourself and members of the committee as well, if I can, and I apologize for not perhaps filling in more background. I thought the relevance of this particular letter and the discussion pertaining to it would be evident on the face of the discussion.

Subsection 12(1) and the three paragraphs under subsection (1) indicate in the present form of Bill 143 a "waste disposal site to be located in the regional municipality of Peel having as its primary function the disposal of waste generated in the regional municipality over a period of at least twenty years," and so on; subsequently, with paragraph 2, the regional municipality of Durham; paragraph 3, the municipality of York or the municipality of Metro Toronto.

The amendment brought forward by the Liberal caucus, by I believe Mr Ramsay this morning, and a subsequent amendment by the Conservatives, by Mr Cousens, indicates there should be some latitude and some flexibility in terms of the boundaries. What we have here is a bill that says primarily we will be focused here. We have a letter that in one paragraph says the same thing but in the subsequent paragraph says there are exceptions.

So, Mr Wiseman, the question of the parliamentary assistant again is, to frame it in perspective, which prevails? What is the prevailing sentiment? Is it the exceptions that are the prevailing sentiment, that we will continue on an ad hoc basis, and is it within the context of ongoing exceptions that change from day to day and from region to region that municipalities, the private sector and the ICI waste stream should begin to do their long-term planning and organization for the future, or is it in the context with the stated principles of Bill 143 and the apparently conflicting previous paragraph in the letter of September 24?

1430

Mrs Marland made arguments at some length yesterday with respect to the confusion that existed within a letter that was sent to Muskoka-Georgian Bay. I am saying that not only is it happening in Muskoka-Georgian Bay, it is happening in the greater Toronto area. It is an issue that very much affects the riding of Mr Duignan with the proposed landfill. People there are saying, "What will the nature of this landfill be?" Those who are opposed to it have questions that remain unanswered. Those who are the proponents have now received copies of a letter that says that it depends on what happens down the road, that there will be options.

What are those options? What rules prevail? What rules will be driving the waste management policy? Will it be Bill 143 or will it be the ad hoc options that come forward from time to time? That is the essence of the question.

I might add that what the amendments by Mr Ramsay and by Mr Cousens this morning say is, let's recognize the



fact that there is flexibility, that the minister herself has stated within correspondence that although it is a desired goal to have municipalities deal with the waste generated within their own boundaries, there of necessity will be exceptions. To what extent are those exceptions going to prevail? It seems to me that we have conflicting messages. I am wondering if the parliamentary assistant can help us clarify that. That is the nature of my questioning, Mr Wiseman, with respect to subsection 12(1).

**Mr O'Connor:** The issue the member brings up now does not deal directly with the bill, although I can see some of his concerns. I think in discussions we have had previously we have heard discussions around private sector involvement, and there has always been an availability for the private sector to apply for different ways of handling waste through an EA process. That is not something that is being precluded in this bill; that is something that will remain.

What we are dealing with right here is of course the three regional sites—the regional municipality of Durham, the York-Metro and the Peel sites—and the Interim Waste Authority's mandate to go out and find long-term sites. That is what that process is all about. So there are two different processes and the links are kind of hard to pull together. It is hard for me to understand exactly where you are headed with this.

**Mr McClelland:** Let me try again then. Let me try and help you. Mr Chairman, I think it only fair that I try and respond to the parliamentary assistant. He has invited me to try and explain it, so I will explain it.

The bill sets out a framework that says there is a primary service area. A primary service area is defined by a municipality, an upper-tier government. The bill says that each upper-tier municipality primarily should deal with the waste generated within its own boundaries. We then hear that there are exceptions. There are exceptions ongoing presently. There are exceptions that may continue. We have a letter from the minister, over the minister's signature, that states that indeed the philosophy and the approach of the government is that each municipality—I will read it again for you, Mr O'Connor.

**Mr O'Connor:** I do not think you need to read it.

**Mr McClelland:** "As I have clearly stated before, municipalities are expected to manage their own waste within their own borders." That is what subsection 12(1) says. The amendments to 12(1), as proposed by Mr Ramsay on behalf of our caucus and Mr Cousens on behalf of the Conservative caucus, say in effect, however, the generators of waste would have options. What we are saying is, in terms of the certainty of the scheme of the act, are you prepared to accept the amendment which recognizes the options that are apparently fairly wide open, that there will be significant options and significant latitude, as stated in the letter? Surely the amendments are consistent with what the minister has said in her own letter of September 24 and—I do not have the date of the letter; I did not commit it to memory—the one Mrs Marland referred to that was sent to Muskoka-Georgian Bay.

What we are saying, Mr O'Connor, is this: The amendments seem to me at least—help me if I am wrong—to recognize what the minister is saying in her own correspondence, that yes, there is a philosophy that says you will deal with it in a primary service area, but there are exceptions. We are saying that in our amendments: Let's recognize those exceptions and let's put it in the legislative framework so people know they can plan within those exceptions. If they are stated as a policy, which is referred to in the act, then let's specify it clearly and make it more expansive and say that there will be options to interchange within the greater Toronto area at large.

That is what this letter says. The industrial, commercial and institutional waste stream can go into Halton Hills. It can end up in Mr Duignan's riding. The minister has said that Mr Duignan's residents may be the happy or unhappy hosts of ICI waste from the greater Toronto area: from Durham, from Peel, from Metro and York. That is what her letter of September 24 says. We are saying, let's recognize that in the act. That is what the amendments speak to. The amendments put forward say the very same thing as the letter. Let's recognize it in the act.

**Mr O'Connor:** I appreciate your comments, once again. We had a terrific amount of debate and discussion this morning around the two amendments. The bill itself deals with the waste within Durham region, within the regional municipalities of York, Metro and Peel. What happens to the waste within the rest of the province will be dealt with subsequently with the discussion papers that will be forthcoming. That will give the other municipalities an opportunity to take a look at waste problems and the way they can be handled when those papers are put out, the following initiative papers.

**Mr McClelland:** That is the point. This letter is talking about Metro Toronto, greater Toronto area waste. That is what this letter is talking about. That is the very point. You make the point well, sir. You make the point precisely that the greater Toronto area waste, as referred to in the letter of September 24, is in question.

**Mr Wiseman:** On a point of order, Mr Chair: Failing having copies of this letter it becomes a little bit difficult to follow and to ascertain whether indeed this letter applies in this section. Therefore I would request that we all have copies of that letter and that we move on and deal with these motions as they are written and not as one member is attempting to fabricate a scenario around them.

**The Acting Chair (Mr Beer):** I am sure we can ask Mr McClelland to have copies provided. If the Chair may, I can see the point he is trying to raise with the parliamentary assistant and its relationship to this section. Perhaps Mr McClelland, if you would get a copy, Mr Cousens might be able to come back to the remarks, which it looks as though he has found. Would that be agreeable?

**Mr Cousens:** There is just so much paper that we are recycling.

**The Acting Chair (Mr Beer):** If I might, Mr McClelland?

**Mr McClelland:** I was just asking the clerk; I am sorry.

**The Acting Chair (Mr Beer):** If you could arrange for that, Mr Cousens, I believe you have found your remarks.

**Mr Cousens:** I just want you to know, never have them totally together, I can assure the honourable Chair.

We are dealing with a bill in which the Minister of the Environment is saying, "The greater Toronto area is going to look after its own landfill sites," and if you were to do it according to the way she has drafted the bill, there would be one nice site in Peel, one other for York region and one in Durham for Mr Wiseman.

**Mrs Marland: P1.**

**Mr Cousens:** We will find a site that is just great for you, and who knows, we can put a headstone there with your name on it. It will be the Wiseman dump.

Having said that, one of the issues we have been trying to raise is the other options that are open for the government to look at. I just wanted to clarify a few of the things that came out in some of the remarks made earlier by the minister that have to do with using another site, like the Adams mine site, as a possible location. I just want to touch on four different points that have come out of comments made by the minister and the New Democrats on that as they pertain to opening up that option.

I think the first point is that Kirkland Lake could never have been an interim site, because Metro Toronto, Kirkland Lake, Englehart and Larder Lake have a legal agreement that the site must operate for 20 years. So it is not something that is just going to be come and gone. It has a 20-year window of opportunity in which it could be serving the needs of the greater Toronto area, and having seen the size of those holes, I am satisfied that it is worth investigating further. That is point 1.

1440

When the minister starts to indicate that what dollars are being spent on this agreement are a sham or outrageous, it would be only right that we remember there is a legal agreement which has guarantees of royalties built into it. There are taxes. There are research and development funds, recycling plants and an industrial development park that are all part of the agreement that would be made, if it were Toronto and the greater Toronto area, the Interim Waste Authority and the province, with the people who are responsible for the Adams mine site. So when you really start looking at the dollars, you are looking at a far greater investment and economic picture, which you would really want to have a good look at. It is just not worth saying the dollars are a sham. There is an economic series of considerations that need to be given to the Adams mine site.

The third point is that the minister has stated that all the garbage trucks in the greater Toronto area will go to Vaughan. I think it is only right to revisit the agreements that have been tentatively put together between Metro and the other parties on the Adams mine site. If the minister were to read those agreements, she would find that only 1.5 million tonnes of garbage are allowed in the agreements. Kirkland Lake cannot become the garbage capital of Ontario, because the tonnage would be limited to the legal agreements that have been drafted between Toronto and those bodies.

My fourth point has to do with cross-border shipping. I think we really have to look at what happens in different US states that at least adjoin Ontario. There is no one within those states who is restricting the movement of waste within their states to find solutions in the same way Minister Grier is trying to limit the movement of waste here in Ontario.

I really do not want to copy anyone else, but if they have found something that works, then let's at least look at it, and we should be in a position then to at least keep our options open.

I know we are not going to win this vote, but I had to at least stay on the subject. I would suggest that there is a good possibility the minister has not even read the agreements that have been drafted between Metro and the people at the Adams mine site. Maybe if she had, she would not have some of the limited thinking on it.

The other thing I want to reinforce is that the people in York have no desire to provide the total solution for the greater Toronto area's waste, but they are prepared to look at other options. One of those could well be the MacMillan yard as a shipping point for waste to another site, and if that were to be the Adams mine site, then we would have a chance to do something about it.

I also would like to clarify that I did say the Keele Valley landfill site was the largest in North America. It is the largest in Canada. There happens to be one in New York City which is even larger than ours. I guess back in 1990 it became so large it was even larger as a man-made project than the Great Wall of China. What is the name of that one, just so I have it? Drew, would you tell me what is the name of that?

**Mr Blackwell:** Fresh Kills.

**Mr Cousens:** Fresh Kills in New York City. We will all have to go and have a visit there. We can give a one-way ticket to the New Democrats and the rest of us can come back and just leave them there.

**The Acting Chair (Mr Beer):** We are indebted to you, I think, Mr Cousens, for a number of interesting observations. I found the phrase "technopeasant" you offered up earlier one I had not heard before as well, and now we know the name of the largest dump in North America.

**Mr Cousens:** You might win at Trivial Pursuit.

**The Acting Chair (Mr Beer):** I am in the committee's hands here. We have circulated the letter Mr McClelland referred to, and perhaps I could ask Mr McClelland: There is a further amendment proposed to subsection 12(3). Would you prefer to discuss this in our discussion under 12(1)? Should we go forward and call the vote on 12(1) and then on 12(3) you would raise that, or what—

**Mr McClelland:** Mr Chairman, I think I have made the point as well as I am able, albeit not perhaps as well as the point should be made, simply to draw to their attention that there appears to be some uncertainty. That uncertainty is understood, in light of the letter. I do not want to belabour the point. Maybe Mr O'Connor can shed some light on it. Unless there is some response from the New Democrats



that engenders a response from me, I think the point has been made.

**Mr Wiseman:** I would like to make a point on this.

**Mr McClelland:** Then I will probably be responding to that.

**The Acting Chair (Mr Beer):** Mr Wiseman, I will ask you to comment. I would just like to note that we have been on this particular section. I would like to call the vote shortly, but I do not want to stop any relevant discussion. You now have the floor.

**Mr Wiseman:** I would like to begin by pointing out that the letter being quoted is of September 24, 1991, which predates any indication of this legislation and is a hypothetical letter trying to outline what hypothetical cases may or may not be possible within the context of decisions.

**Mr Cousens:** What? Come on.

**Interjection:** You are embarrassing yourself, Jim.

**Mr Wiseman:** Therefore, in subjecting an answer—  
Interjections.

**The Acting Chair (Mr Beer):** Order, please. Mr Wiseman has the floor. You will have opportunity to discuss this.

**Mrs Marland:** You will never get to be parliamentary assistant that way, Jim.

**Mr Wiseman:** I am already parliamentary assistant, Margaret. I think that some of the phrases that are interesting—I will read the entire letter now into the record so the entire viewing audience has a clear indication of the speculative nature of this letter in response to a speculative question.

“Thank you for your recent letter concerning the proposed Acton quarry landfill environmental assessment. I have also been asked by the Premier to reply on his behalf to your letter to him of the same date.

“I have noted the position of council that the proposed landfill in the Acton quarry is neither justified, required nor environmentally acceptable. As you know, the proponent of the undertaking has a different opinion. I anticipate that, in order to resolve the differing views, a hearing before the joint board will be necessary.

“You have requested that both the Premier and I meet with council to discuss the proposal. Any appeal from a board decision must be considered by cabinet, as I am sure you understand. It would, therefore, not be appropriate for either the Premier or me to compromise our positions on such an appeal by meeting with you at this time.

“You inquire about the possibility of the Acton quarry landfill being used as an interim waste disposal site by the greater Toronto area municipalities—that question predates the bill—“As I have clearly stated before, municipalities are expected to manage their own waste within their own borders. For this reason, I have also decided that any shortfall in disposal capacity for GTA waste before the long-term sites are ready will be met by the expansion of the existing landfill sites under emergency powers.

“However, you should also note that should the proposal for a landfill in the Acton quarry be approved, that landfill would be free to accept waste from within the approved service area.”

**Mr Cousens:** “Its approved.” Read it correctly if you are going to.

**Mr Wiseman:** “Waste collected by or on behalf of the”—I beg your pardon?

**Mr Cousens:** You are missing some words.

**Mr Wiseman:** “From within its approved service area.” That is what I said.

**Mr Cousens:** You did not.

Interjections.

**The Acting Chair (Mr Beer):** Please, order. The point has been made.

**Mr Cousens:** Read it properly.

**Mr Wiseman:** There is somebody over there who maybe should have his hearing tested.

Interjections.

**The Acting Chair (Mr Beer):** If we could just continue the reading—

**Mr Wiseman:** “Waste collected by or on behalf of the GTA municipalities will be disposed at either the existing or the long-term GTA sites. The privately managed industrial, commercial, institutional waste stream would also be received at the GTA sites. However, the generators of this waste would also have the option of disposing of this waste at any facility suitably approved to receive it including, potentially, a landfill in the Acton quarry.”

This letter ends, “Should council require further information on the approval process or the ministry’s role, please contact Mr J. Connelly of the approvals branch.” Then there is a phone number and it is signed by Ruth Grier.

I think it is rather interesting that this letter speculates and in fact is very early on. What has been an ongoing correspondence between the minister and that municipality, in my view has no relevance whatsoever to the three subsections we are trying to deal with at this time and that we have been dealing with or attempting to deal with since 10 o’clock this morning. I think we know why we are not moving very far, very fast as we view the comments from the opposition members, which I consider to be silly and not very constructive in the least in getting this bill through. I guess we will be here, like, tomorrow, eh?

1450

**Mr McClelland:** I just want to make a point on what Mr Wiseman raised. He is either naïve or totally unaware of how things operate at Queen’s Park and particularly at the Ministry of the Environment. This letter, dated September 24—

**Mr Wiseman:** I know how they operated when you were there. You just put your finger on a map and said, “We’ll put a landfill site there.”

**The Acting Chair (Mr Beer):** Order, please. Mr McClelland has the floor.

**Mr McClelland:** This letter, dated September 24, is suggested by Mr Wiseman is not relevant because it predates Bill 143 by precisely one month from its introduction and first reading. If anybody at all who has any inkling of understanding of the legislative process does not believe

that Bill 143 was not only substantially crafted, but had been through draft and redraft form, had been to management meetings at the Ministry of the Environment and been reviewed by ministers and ministerial staff countless time, had been to I do not know how many cabinet committees, full cabinet and back again for revision and back up through the cabinet process, and fully recognizing that takes months and months; to suggest that a letter dated September 24 is of no relevance because a bill was introduced by first reading on October 24 simply, and very candidly, displays that Mr Wiseman has either apparently no understanding of the legislative process or is trying to make a rather ridiculous point that the letter has no relevance. If the letter has no relevance on its substance, so be it; that will be determined in the course of time. But to make some sort of trite argument that the date of one month renders the content of the letter meaningless or not worthy of discussion, I think is at best absurd.

Having said that, Mr Wiseman has read the letter in its entirety into the record. I am not sure what impact, if any, that has on the very point I was making. The point simply stated, as I said before, is that it indicates there is uncertainty and a set of evolving ad hoc rules in an approach to waste management. I have said—but what I said is obviously not all that important. Countless other people have said, as we have been across this province and sat in this room on committee hearings, that Bill 143 by its very nature is a Band-Aid solution. It does not deal with the problem.

Speaking on the particular amendments to subsection 12(1) put forward by both opposition parties, they recognize that there will be considerable latitude within the greater Toronto area. That is all the amendments do. They recognize the reality as indicated by the minister's letter of September 24, which was concurrent with, I say to Mr Wiseman, the drafting of Bill 143. Given that it was in fact concurrent with the drafting of Bill 143, Bill 143 can and ought to recognize the reality that waste will move within the boundaries of the greater Toronto area and not necessarily be restricted to the specific regions, as contemplated by the bill. The amendments seek to make that clear; they seek to make that point. That is why this letter is relevant in terms of the amendments put forward and on the face of it, to any objective observer, that is very self-evident. Having said that, I have nothing really to add, unless my colleagues—

**The Acting Chair (Mr Beer):** Mr Sola.

**Mr Sola:** Thank you, Mr Chair, but Mr McClelland made the point I was going to make about the relevance of the dates.

**The Acting Chair (Mr Beer):** Okay. If we can deal with the amendments, I will deal first of all with the Liberal motion, the first of the two, and ask the question, shall the Liberal amendment to paragraphs 12(1)1, 12(1)2 and 12(1)3 carry? In favour? Opposed?

Motion negated.

**The Acting Chair (Mr Beer):** We will then move and deal with the Conservative motion to subsection 12(1).

Shall the Conservative motion carry? All in favour? Those opposed?

Motion negated.

**The Acting Chair (Mr Beer):** Shall subsection 12(1) carry? Those in favour? Opposed? Carried.

Shall subsection 12(2) carry? In favour? Comment, Mr McClelland.

**Mr McClelland:** I just want to indicate that subsection 12(2) sort of retroactively legitimizes the past actions, including the funding and staffing of the Interim Waste Authority. What we have had is a government move ahead, and that is fine. It has chosen, some would say, to put the cart before the horse in this instance and I understand the motivation of the government. It said it had a problem on its hands and was going to solve it in the way it determined it was going to solve it regardless of what happened.

I think it makes another point: Subsection 12(2), after the fact, legitimizes a considerable amount of work that has been done to date. Then you have to ask yourself the question, is it any wonder people are cynical about the public hearing process and the legislative process? Subsection 12(2) by its very nature states that until the passage of Bill 143, the Interim Waste Authority is acting contrary to the requirements of the Environmental Assessment Act.

I want to indicate to you and for the record that clause 6(1)(b) of the Environmental Assessment Act indicates that no subsidy or financial support for an undertaking to which the act applies shall be provided by the province until after approval for the project has been obtained. Clause 6(1)(b) can be overridden where feasibility studies have been undertaken in order to comply with the Environmental Assessment Act.

Bill 143, by the admission in the statements of the minister, adopts the principles, she would claim, of the Environmental Assessment Act. It does not comply with the Environmental Assessment Act by any stretch of the imagination. No person worth her salt would say that.

Subsection 12(2) says very clearly that we are going to legitimize, after the fact, contravention of the Environmental Assessment Act, so not only is Bill 143 going to override the Environmental Assessment Act; it is in effect adding insult to injury and saying we are legitimizing a contravention of that act by the Ministry of the Environment.

I say very clearly without hesitation on the record here today that the actions of the IWA through no fault of its own—it is fulfilling its mandate—in the opinion of many, myself included, have been contrary to clause 6(1)(b) of the Environmental Assessment Act. What has become clear is that the studies under way have not been undertaken for the purposes of complying with the Environmental Assessment Act. That is abundantly clear and I would defy anybody to argue otherwise.

As we vote on subsection 12(2) we recognize that in support of Bill 143, which undermines the Environmental Assessment Act, subsection 12(2) flies not only substantially in the face of the Environmental Assessment Act but contravenes and is a blatant admission that clause 6(1)(b) of the Environmental Assessment Act has been contravened.



**The Acting Chair (Mr Beer):** Shall subsection 12(2) carry? All in favour? Opposed? Carried.

I have an amendment from the Conservatives, Mr Cousens, regarding subsection 12(3).

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**Mr Cousens:** Mr Chairman, I am not going to present the amendment. I think it just gives us a chance to make sure we have paused over it before we have a quick vote. Rather than be ruled out of order, and respecting that it is the process, I will make a few remarks on section 13.

Section 13, first of all, for the sake of those who are taking this session in, asks for estimates to be prepared by the ministry, a written estimate to indicate the amount of waste that otherwise would be expected to be generated in the primary service area during a 20-year period that will not be generated because of waste reduction efforts and the amount of waste—

**The Acting Chair (Mr Beer):** Excuse me, Mr Cousens. I just want to be clear. You have withdrawn your—

**Mr Cousens:** But I want to speak to it, because the only thing I can do is vote against it.

**The Acting Chair (Mr Beer):** Right, but just so I am clear, you are still discussing subsection 12(3)?

**Mr Cousens:** Yes.

**The Acting Chair (Mr Beer):** You are not discussing section 13?

**Interjection:** You are on the waste estimates.

**The Acting Chair (Mr Beer):** I just wanted to be clear. This may come as a shock, but I was not going to rule your amendment out of order. In fact, it is in order if you wish to discuss it.

**Mr Cousens:** No, I want to get on to section 13.

**The Acting Chair (Mr Beer):** You want to get on to section 13, so you are withdrawing subsection 12(3), or would you like me to put it? It is in order. I do not often get to say that.

**Mr Cousens:** Let me just go back. I cannot believe how good I am.

**The Acting Chair (Mr Beer):** Mr Cousens moves that subsection 12(3) of the bill be struck out.

Shall the motion carry? All in favour? Those opposed?

Motion negatived.

Section 13:

**The Acting Chair (Mr Beer):** We then move on to section 13 of the bill. Mr Cousens.

**Mr Cousens:** Mr Chairman, this is what I meant, that I will not test your patience, but I would like to discuss it if I may. This section of the bill, section 13 of Bill 143, will require the Minister of the Environment to do an estimate of the amount of waste that would otherwise be expected to be generated in the primary service area over a 20-year period.

I want to discuss that for a number of reasons and I alluded to one of them this morning. It has to do with how good an assessment or estimate is going to be made by this government or Minister of the Environment on the amount

of waste that is going to come. We have not been able to do it with Keele Valley.

The classic case is when Keele Valley was going to be filled. We have just had a moving time frame that it was going to be filled in 1991-92, and now it is going to be 1998-99. So there is a constant change in the time it is going to take before Keele Valley is filled, just because of the changes in the economic climate and the changes in the amount of garbage that is now being shipped south of the border. Some of it is being incinerated in Detroit and other places, but none the less it has reduced the amount of need for landfill at Keele Valley, Britannia and other sites. There has been that movement of waste.

Therefore, when you start asking the minister to give estimates, you are really asking her to do something that has not been done very well in the past, and the figures we are going to expect them to come up with will probably be as useless. It is going to be especially difficult for the minister to forecast, especially if they want to be honest.

If we look out 20 years from now, if we get the labour reform legislation being considered by this government, we could well see a tremendous reduction in the amount of need for landfill. We are not going to need garbage dumps because there will not be any industry generating waste. So I would think that Mrs Grier should go and talk to our friend, Mr Mackenzie, smiling Bob, or Bob White, and ask them whether or not there is going to be any industry here in Ontario. I do not think the people in Ontario understand the battle lines that are about to be drawn here at the Ontario Legislature.

**Mr Wiseman:** By your federal counterparts.

**Mr Cousens:** I am a provincial member.

**Mr Wiseman:** Oh, yes, hide behind your cloak.

**Mr Cousens:** I do not hide behind anything. What I really want to get to is that we are about to see the battle lines formed in Ontario where the Ontario Ministry of Labour will, with its reforms to labour legislation, drive business out of Ontario and then truly Bob Rae will be Buffalo's man of the year. He already is.

**Interjection:** That is irrelevant.

**Mr Wiseman:** Thanks to Brian Mulroney.

**Mr Cousens:** You guys can call it irrelevant. I just say if you want to forecast the future of what is happening in Ontario, all you have to do is look at the way the New Democrats are running Ontario into the ground. You will not need big landfill sites because there will not be any place left—

**Mr Wiseman:** The GST, the high dollar, free trade.

**Mr Cousens:** Bring up other issues.

**Interjection:** High interest rates.

**Mr Wiseman:** The Tories are doing a great job in Ottawa.

**The Acting Chair (Mr Beer):** Order, please. Mr Cousens has the floor. I just want to note that under section 13 there are a couple of amendments to different parts of the bill. Because of that, I am allowing Mr Cousens to speak somewhat generally about section 13, and, Mr Cousens, if perhaps you could do that. I would point out at

this moment, we will have to briefly revert to section 12. We voted on all the subsections, but I neglected to have us vote on the whole. I will do that after Mr Cousens has had his opportunity to comment on section 13. Mr Cousens, you have the floor.

**Mr Cousens:** I appreciate it, and you are doing a fine job. I just do not know how you stand it.

Interjections.

**Mr Cousens:** He is a super guy.

**Mrs Marland:** Well, the good news is he has been here longer than you have.

**Mr Cousens:** What I am concerned with is that as we start having a Minister of the Environment with the level of incompetence that has been shown so far, it is asking an awful lot for that minister and ministry to be anything more than equally incompetent in coming up with future estimates of what the landfill site requirements are going to be. Here is a situation where who knows what is going to happen for the next 20 years.

**Mrs Marland:** Here comes the line.

**Mr Cousens:** Oh, look. Too bad the camera cannot show the special lines and coaching being given to my good friend the member for Durham-York.

**The Acting Chair (Mr Beer):** Perhaps, Mr Cousens, you could continue with your line of thought. I was interested in listening to it.

**Mr Cousens:** You are a good guy. I am not happy, though, because what kind of estimates are we going to have if Ontario closes down.

**Mrs Marland:** Or what kind of estimates are they going to have without the minister's staff doing the coaching, right?

**Mr Cousens:** Oh, Margaret, do not get nasty. We just have to deal with the issues—I am having a hard time getting the attention of this committee and the members—and the issue has to do with the failure of this government to generate a climate where you are going to want to invest in this province and to generate garbage as a business. If they all close down, if the General Motors plant closes down in Oshawa, then how many jobs and how much garbage are going to be produced? Therefore there are other things that are going to go into the equation of developing an estimate of what the need is going to be.

When Larry wants to go back to his job at General Motors, it may not be there, because General Motors may have decided to go for jobs in Texas and other places. Ontario is closing down and the New Democrats do not give the same sound advice we are going to need in order to solve the problem. So when you ask the minister to develop estimates of the need for garbage and waste, it is not going to be there.

Interjections.

**The Acting Chair (Mr Beer):** Order.

**Mr Cousens:** It is feeding time.

**The Acting Chair (Mr Beer):** Mr Cousens, we have a number of requests for a recess.

**Mr Cousens:** No, I am not in favour of a recess, Mr Chairman. I have the floor and I would like to continue some of my points.

**The Acting Chair (Mr Beer):** I appreciate that. You want a recess for 20 minutes?

**Mr Cousens:** For what reason, Mr Chairman?

**Mr Wiseman:** I think it would serve everybody's purpose to maybe refocus their minds on this bill and get to the point, as opposed to this baiting.

**Mr Cousens:** I have a number of points to make and I object strongly.

**The Acting Chair (Mr Beer):** It is always in the hands of the committee. I believe, if we can focus on section 13, as I mentioned, there are a couple of further amendments which I would like to get to, and if Mr Cousens will speak directly to section 13, I would ask if perhaps you might reconsider that motion at this point.

**Mr Wiseman:** No, I will not reconsider it, Mr Chair.

**Mrs Marland:** It has to be unanimous, so why waste time?

**The Acting Chair (Mr Beer):** I have just asked for a clarification as to whether it needs to be unanimous, that was all. I believe Mr Cousens has—

**Mrs Marland:** I thought they wanted to get this wonderful bill through?

**Mr Wiseman:** It is you guys who wanted to be out of here by 4.

**The Acting Chair (Mr Beer):** If I could simply read standing order 126(a), "Immediately after the Chair of a standing or select committee has put the question on any motion, there shall be, if requested by a member of the committee, a wait of up to 20 minutes before the vote is recorded."

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**Mr Wiseman:** I would request a clarification of a situation that developed a little while ago when the Liberal caucus asked for an adjournment to go out and meet its leader coming in after the leadership convention. The committee had an adjournment and that was granted by the then Chair.

**Mrs Marland:** Pettiness looks good on you.

**The Acting Chair (Mr Beer):** I was not Chair at that time. I do not know what the circumstances were. I just believe we should try to proceed and deal with these issues. If we could take from your request simply that we want to focus on the clause at hand, perhaps we can do that and maybe not be quite as solicitous of other points of view. As we go along we can deal with this one, because we still have a lot of work to do. But it would require unanimous consent at this point to have a recess. So Mr Cousens, if you would continue.

**Mr Cousens:** Thank you, Mr Chairman. I want to make the point that it is impossible for the Ministry of the Environment to come out with a good estimate of what the garbage is going to be in Metropolitan Toronto, especially if the province of Ontario closes down because of other legislation that this government is going to be bringing in.



I point particularly to the failure of this ministry to be consistent in its planning. When Mrs Grier took office, she killed the Durham site of Whitevale and the Brampton proposal for short-term sites, saying they would not be necessary. Who knows now whether or not they will be necessary? It gave people a great sense of relief in certain circumstances that they would not be needed. Now they might be needed, especially since the minister has decided we will deal with Durham's garbage in Durham, Metro's garbage in York and Peel's garbage in Peel. There is quite a sense of what this ministry has done. She keeps changing the rules.

I have to congratulate you again, Mr McClelland, for digging out one of the early letters, which again proves the level of competency and the inconsistencies that are coming through the Ministry of the Environment. People look on and say, "Oh, well, there you are, you're just talking it through." It is exceedingly exasperating for us as well when we are dealing with such mistrust that we have that comes through from the ministry. So when the ministry is asked to go on record in this bill it is going to be responsible for estimates of what the garbage is going to be, the estimates are not going to be worth any more than the stuff we are putting in the landfill sites. If this section of the bill passes, I think it just further proves the level of administrative competence that does not exist within that ministry.

To me it is almost insulting, because I know what kind of numbers are going to come up. They are going to be just as useless as any of the numbers we have had in the past, and it is going to be more difficult to get those numbers, especially with the other programs the New Democrats are developing, because they are just killing the province. Who is to believe anyone any more, especially them?

**Mr Wiseman:** On a point of information, Mr Chair: Currently the numbers in the estimates on Brock West and Keele Valley are supplied to the ministry by Metropolitan Toronto and the works department at Metropolitan Toronto. Therefore, this section of the bill is in order to try to bring some accuracy to those numbers. Therefore, the comments the honourable member is making about the ministry being inaccurate are in fact inaccurate in themselves.

**The Acting Chair (Mr Beer):** Thank you. There is technically no such thing as a point of information, but we accept the information you have brought to our attention. If I might—and then, Mr Cousens, I will come back to you—Mr Wiseman asked earlier about a ruling at another time by another committee regarding a recess. It was evidently something that had been agreed to by the House leaders prior to its having happened—House leaders or whips, I am instructed by the clerk. I simply would place that on the record as a matter of information.

Now I have Mr O'Connor, Mr Cousens and Mr McClelland.

**Mr O'Connor:** I think it would be nice for us to get back to what we are debating. It is unfortunate when we waste the time of the committee with some arguments that do seem somewhat petty.

**Mrs Marland:** In your opinion.

**Mr O'Connor:** I have the floor, thank you. When we talk about the estimates that will be arrived at, it is not going to be an easy process. Mr Cousens raised the fact that the recession has changed numbers. There is no doubt it has. We are not about to point the finger to other levels of government that have caused and exacerbated the recession. The process that takes place now, though, is the fact that estimates have to be provided to and approved by the Environmental Assessment Board. The process for doing that will be that estimates will be provided by the office of waste reduction. I will ask Mr Drew Blackwell if he could explain what that process will be, to perhaps set aside some of the fears of Mr Cousens. I have confidence in the people who do work for the ministry. Will Mr Blackwell please respond to some of the estimates questions we have had so far.

**Mr Blackwell:** First of all, I would like to make the point that the area of determination of the volumes and amounts of waste that would be taken care of through waste reduction, reuse and recycling is clearly identified as part of what would be dealt with through the environmental assessment and therefore would be subject to discussion at the hearing. There would be no attempt to assume that the estimates the ministry provides would be the only potential interpretation of what could happen.

At the same time, I would like to say that the very difficult business of trying to estimate what will be waste figures is one that we as a society have begun to realize we must learn. I think I can say with some degree of confidence that there have been measures put in place by municipalities throughout the province, there are efforts under way through the different regional offices of the Ministry of the Environment and there is the development of what we are calling the waste diversion information system through the ministry and in relationship with all the municipalities of the province and the Association of Municipal Recycling Coordinators which are beginning to enable us to produce figures we are quite confident will be at least as reliable and probably better than those of any other jurisdiction within North America. This does not guarantee that we will be able to estimate with scientific precision what amount of waste will be produced. Certainly one of the goals of the office will be to try to prove our estimates wrong by achieving more reduction and reuse than we can anticipate at this time.

Having said all that, I simply want to say that although some may feel the ministry is not working competently in many areas, I believe we are working towards a degree of precision which recognizes the difference between a society in which our only way of dealing with garbage is to try to bury it and to not care what is in it—we are beginning to move towards an understanding that we ought to be looking at our waste, understanding what is in it and recognizing those resources that can be reused.

1520

**Mr Cousens:** All you are doing is confirming my own worries about the ability of the ministry to develop estimates that are going to be used to determine the capacity of landfill sites, because that is what is going to happen.

What the honourable assistant deputy minister has really just said is that it is going to be tough. They will do the best job they can. They will be as scientific as possible. But I would be willing to put dollars in bet that you are not going to be too much better than anybody else has been because of the variables that are involved.

Right now we have an advantage because we are shipping it south of the border. We have another advantage in that we are not getting as much waste because we are into a deep recession. You will have another situation that may evolve, which I sincerely and honestly hope does not happen; that is, if the economy continues to fall and businesses move out of Ontario to Buffalo and other places because of the terrible policies of the New Democrats, then you will have even less garbage. You had better take that into your equation for capacities. They are putting you on a spot when you have to ask that question.

The other question for all the people in the ministry and anyone who is preparing these figures has to do with how successful we are with the 3Rs. There is a host of questions and those questions have to be determined in advance of the time you are preparing for the landfill sites.

The ministry in its great wisdom says, "We are going to have a 20-year plan for these areas and one site in each of those regions." Fine. All you have done is just close the logic down so that you are more and more limited in what you can do. Then what will happen when the ministry comes forward with its estimates, if they are as mistaken and flawed as the ones have been in the development of Keele Valley—the estimates on Keele Valley have continued to change and will continue to change. It would have been closed down now if certain things had been going on the way they were. All I am saying is, why go and put this in? You will come along and have the best swag you can. Hopefully you are close and certainly you will try, and you will have a certain justification, but even among the scientists and the experts there will be arguments as to which is the correct number. Whether you are close by two years, three years, five years, who is to know and who is to say? It has to do with our ability to forecast.

The government is putting it in and then someone is going to make a decision based on these estimates. That decision is going to affect the size of the landfill site in Durham. Then Mr Wiseman is going to say: "Oh well, that's too big. I wish you had a smaller forecast." He will have a smaller forecast when General Motors closes down. Then they will not need to have as big a site. I hope General Motors does not close down, but I just say we have problems with the forecast. They have to do with the whole level of confidence I have, not around the bureaucrats and the public servants who are developing these figures; it is just around how these people who are in charge are going to interpret them, because it is going to be interpreted by the New Democrats over the next two or three years. An awful lot of this is going to be under way very quickly, and who knows how soon it is going to be before those numbers are required? It is starting to happen. So here it is.

I know it was said earlier when we were talking, by Mr Wiseman, that it is going to pass anyway, so why talk?

That is the advantage of being in opposition. I at least want to put on the record my lack of confidence in the government coming up with estimates that are going to be worth the paper they are written on.

**Mr McClelland:** On a note with respect to the motion put forward by Mr Cousens, I support the motion but for perhaps different reasons than Mr Cousens. Clearly Mr Blackwell has indicated that the estimates will be subject to scrutiny through the process of environmental assessment. I think therein lies the rationale for deleting section 13 from the act. I think that in terms of the expectation, albeit not a happy expectation in my view, that Bill 143 will pass substantially in its present form, we will go ahead under the terms of this bill.

The Ministry of the Environment estimates for the 3R activity that is referred to in the act will doubtless be a useful guide in determining the need of the siting of the waste management operations. In an environmental assessment the threshold issues are need and then scope of that need. However, as stated by Mr Blackwell, those inputs and assumptions in environmental assessments are subject to considerable scrutiny, detailed scrutiny in fact, throughout the hearing process, and that changes from time to time. Because of that very fact, it seems to me that there is no need, or any justification, quite frankly, from a purely practical point of view in terms of having that put into this act legislatively. Why do you legislatively single out the 3Rs from other factors that will have to be taken into account in assessing the needs and the scope of those needs?

From a more technical point of view, it seems to me that section 13 is at best unnecessary and perhaps irrelevant in the final analysis inasmuch as, as said by Mr Blackwell and by the parliamentary assistant, it is all going go through the wash, through a process, hopefully under an environmental assessment where all of those presumptions and assumptions will be given considerable scrutiny on an ongoing basis. Again, I simply have to ask the question, from a technical point of view is there any justification to have section 13 in the act? What need is there for it? The answer seems to be that there is no justification and there is no need. From a practical point of view, it just seems that the best thing to do is delete it and recognize the fact that it is all going to go through a process of environmental assessment.

In fact, from the government's point of view it may even be a signal that the environmental assessment process will be maintained in its present form, at least for this part of the act. The ministry is not trying to superimpose its numbers, its view of the world on the Environmental Assessment Act. As said by Mr Blackwell, it will go through the process in its full form. Again, the question remains, why bother having it?

**The Acting Chair (Mr Beer):** I want to do a couple of things. We have two amendments still, one to come on subsection 13(1). If I can, Mrs Marland, before I come back back to you, technically we are debating section 13, but Mr Cousens's motion was out of order, so to keep us in order and allow discussion in effect to continue on some of



those issues, the amendment later to subsection 13(2) still deals with the whole question of estimates.

The first one I would like to put forward then is on section 12. We need to vote on the whole of section 12.

Section 12 agreed to.

**Le Président suppléant (M. Beer) :** We will put the government's motion, clauses 13(1)(a) and (b), and then, Mrs Marland, we will come back to the amendment to subsection 13(2), which I believe will provide you and others with an opportunity to continue the discussion we were in. It makes it legal.

Mr Wiseman moves that the French version of clauses 13(1)(a) and (b) of the bill be struck out and the following substituted:

"a) la quantité de déchets qui, sans des mesures de réduction des déchets, serait normalement produite dans le secteur de service primaire sur une période de 20 ans, mais que l'instauration de telles mesures permettra de supprimer ;

"b) la quantité de déchets qui sera produite dans le secteur de service primaire sur une période de 20 ans, mais qu'il ne faudra pas éliminer dans celui-ci du fait de la réutilisation ou du recyclage des matières qui sont des déchets ou qui pourraient le devenir."

Je pense, pour exprimer la raison toujours de ces changements, que c'est à cause des mots qu'on emploie, et que sur cette section ça donne simplement une meilleure explication.

**Mr Wiseman:** I understand what you said. I think that the two references in subsection 13(1) to the amount of waste are rendered into French by "le volume." We are advised that "le volume" is more generic in French than "volume" in English and allows considerable flexibility. However, as the waste reduction office intends to carry out most of its estimations by weight, it appears prudent to change the French version from "le volume" to "la quantité," which is equally as broad a term as is used in English and is less likely to give rise to disagreement when the estimates are produced.

**Mr Cousens:** The problem I have is with the bill having both English and French. In going through the bill I am not able to interpret the French. I would not have been equipped or able to find this mistake, this error, this clarification that has now been made.

**Mr Wiseman:** "Nuance" is a better word.

**Mr Cousens:** Whatever it is. The concern I have is who there is on a regular basis who is able to go through these bills to ensure that what is in the French is consistent with what is in the English. Inasmuch as now all statutes and bills in the Ontario Legislature are being translated, I would have hoped that there would have been far more confidence in the system that when this was first drafted the bill would have been correct in the first place. I understand there are always going to be mistakes, but what is there to give me some satisfaction that there are not other parts of this bill or other bills—we will deal specifically with Bill 143—where we are facing other hidden differences in meaning that we should be informed about?

**The Acting Chair (Mr Beer):** I will ask the legislative counsel to comment. I might just note by way of information that when drafting legislation in both lan-

guages, there are times when certain words can express better a meaning. There is quite a process that is involved in doing that. I will ask the legislative counsel if perhaps he can explain how that is done.

1530

**Mr Spakowski:** I would like to supply some information about how the French versions are prepared. They are prepared in our office. We have a considerable number of personnel skilled in translation and linguistics, lawyers who are bilingual. We do our best to ensure that the French versions of the bills are the same as the corresponding English provisions.

**Mr Cousens:** Just to satisfy my concern, I have not had an opportunity where I have seen this revision. I am glad it has been made, I am glad it has been found, and I think that is as it should be. What it makes me start to say is that we have found a mistake, there are probably others. I have not been able to find them. Is there any certification process that is taken by legislative counsel prior to the bill coming to the House for first reading, or during first, second or third readings, whereby legislative counsel have ascertained that the bill in both English and French is saying the same thing?

**Mr Spakowski:** There is no formal certification process. Both versions of the bill are before the House and before this committee and can be considered and amended, just as it was before bills were bilingual. There is no formal procedure we go through to certify any particular version.

**Mr Cousens:** This could become quite a problem in the courts if in fact this had not been found, and certainly the issue could develop into quite a legal dispute as to which one would be the true statement for Ontario's legal situation, could it not?

**Mr Spakowski:** There is a considerable body of law concerned with the interpretation of bilingual legislation. In fact, there is an entire text, although it is a small text, written on this particular problem. It has occurred in the past mostly in relation to federal legislation; for instance, the Criminal Code or the Income Tax Act has been bilingual for some time. This issue does occasionally crop up.

**Mr Cousens:** So there is no reason why it could not or would not crop up here in Ontario. Some very astute person saw this difference, but there are others that may not have been found. If there is not a process for doing that, then the legal entanglements that could follow from it could be a matter of concern. I table it as a matter of concern.

I do not think it is something I want to take time up for on this committee, but it points out some of the problems we are having with the French-language translation process. Certainly during the course of this session all the work we have been doing has been simultaneously translated in both English and French, and as I speak we have one person translating my comments now into French. The Hansard will come out in both English and French. When we went to Sudbury and other communities in the north country, we had both languages provided. Under Bill 8 we have that. There is a tremendous amount going on with it.

If there is not some certainty that what is being done is accurate, then I have a concern.

**The Acting Chair (Mr Beer):** If I might note, to underline the point legislative counsel made, there really is a body of law in Canada that deals with the question of statutes which are in both languages and it is clearly recognized that there can be issues which may come up, but through judicial decisions that have been made, the concern, while legitimate, is one that really by and large we have always been able to take care of. That experience has obviously been more at the federal level, but I think if you look at other pieces of legislation which we have dealt with in this Legislature, as there are changes at times brought in the form of amendments to substantive parts of the bill, so have there been changes brought forward in terms of clarifying language.

I accept your point, that you raise it as something that is new and different here, and that is valid. I think the historical experience has been that through legislative counsels in the different legislatures we have been able to avoid any particular problems.

**Mr Cousens:** I appreciate your comments, Mr Beer. In your formal capacity as minister responsible for franco-phone affairs, you had personal experience with that portfolio and you would undoubtedly have had some contact with it.

This issue today has raised concerns to me which I have not seen before. I cannot put it aside lightly. I happen to believe that there will be people reading the laws of Ontario now, since we provide them in both English and French, and I want to have more satisfaction that those who are reading the French translation are reading the same intent and words that I and others will be reading in the English.

What this incident has raised is the whole spectre of wrong meanings being buried in different parts of legislation which, in the future, can come back and cause very serious problems, because over the last short time we have translated extensively. All the statutes for Ontario are now translated in both English and French. How am I or anyone else to know that they are an accurate reflection in both languages of the same point of view?

Here today I would ask, has anyone else in this committee—Mrs Marland, you have been on committee many times. It is the first time that I have seen where there has been this clarification. I want to congratulate that person who found this change, but I also would like to make sure that it is no accident it was found and that in the future there is some certainty that both the English and the French are accurate. I had no way of knowing that the French translation on this was incorrect.

**Mr Lessard:** Maybe you should learn French.

**Mr Cousens:** I have studied French. The honourable member is suggesting that I should learn French. If that is really the answer to the situation that I am raising, that is not what I am saying.

**The Acting Chair (Mr Beer):** No, and I do not believe it is the answer.

**Mr Cousens:** But that is what the honourable New Democrat says, that I should go and learn French. I do not have to learn French.

Interjections.

**Mr Cousens:** Come on.

**The Acting Chair (Mr Beer):** Order, please.

**Mr Cousens:** He said to me to go and learn French.

**The Acting Chair (Mr Beer):** Order, please.

**Mr Cousens:** I respect the French language but I want to make sure it is right in here. He is saying to go and learn French.

**The Acting Chair (Mr Beer):** Okay. Order, please. Mr Cousens, I respect the point you make. I think one of the interesting things that perhaps, as a legislative body, we might want to consider doing for those members who are interested in seeing how this process is done is having some briefings so that members have a better understanding of how legislation is drafted. I would note that there are changes such as this that were brought to other bills I was involved with earlier this year.

**Mr Cousens:** I am not taking this lightly.

1540

**The Acting Chair (Mr Beer):** I am not saying that you are. I am simply saying that perhaps you raise a point that is a valid one in terms of how we deal with the translations of our statutes, and I am suggesting that as members we could have a better understanding of how that is done.

That being said, this particular amendment has been made to clarify the language and I would now—

**Mr Cousens:** I would like to stay on it for a minute, because as far as I am concerned, the reaction by the New Democratic member Mr Lessard was that I should go and learn French. If that is the way the answer is supposed to be on this—I do not have satisfaction on this now and if that is the answer that the government is having, they all speak—

Interjections.

**Mr Cousens:** Come on. Get off it. There are a lot of people in this province who are concerned about the cost of French-language services and you come along and there is going to be English—

Interjections.

**Mr Cousens:** That is an issue.

Interjections.

**The Acting Chair (Mr Beer):** Order.

**Mr Cousens:** Listen to me. If the cost is being wasted and you have—

**The Acting Chair (Mr Beer):** Order, please.

Interjections.

**The Acting Chair (Mr Beer):** Order, please. Would honourable members please come to order.

**Mr Wiseman:** Do not make a speech.

**Mr Cousens:** I will make a speech whenever I want.

**The Acting Chair (Mr Beer):** Would honourable members please come to order. The amendment that is



before us was to make a change in the French version of the statute and I would like to call that amendment.

**Mr Cousens:** Mr Chairman, I am sorry. I really am, because what we are now faced with is, who is to know what is right or what it wrong if it is in English or in French. Unless I do as Mr Lessard said, go and take French, I am not equipped to do that. I have not read the French side of this bill, and for every section of the bill there is a French side. I have not had the time to do it. How am I to know what is right or what is wrong? We now have a situation, the first time I have seen it, where there have been amendments made only to the French translation.

**The Acting Chair (Mr Beer):** But, Mr Cousens, may I—

**Mr Cousens:** No, I am sorry. The issue now is, who knows if the other parts of the French translation are right or wrong. I do not know. Could someone give me that satisfaction?

**The Acting Chair (Mr Beer):** Mr Cousens, as Chair of the committee, I want to underline two things: First, in other bills before this Legislature there are from time to time amendments to clarify the language, so this is not unique; and second, I believe what tells us that these are properly translated is the process through which they go. When changes or clarifications are sought, which could come from a particular member, which could come from a group perhaps presenting before a committee, those changes are made. I think that has ensured that we have.

**Mr Cousens:** I just asked a question.

**The Acting Chair (Mr Beer):** And it is a valid question. I understand the point you made. Whether we are English- or French-speaking, I think we want to know, whether it is the English text or the French text, that those two can be read together and mean the same thing.

**Mr Cousens:** That is right.

**The Acting Chair (Mr Beer):** One point that I think is useful for us as we go forward from this point is perhaps having a better understanding and looking at exactly how we draft the legislation so that we do not run into the problems which could arise perhaps either way. I think that is useful.

**Mr Cousens:** Is someone going to answer the question? How can I be sure that the rest of the French translation of this bill is an accurate reflection of the English? I have asked the question.

**The Acting Chair (Mr Beer):** I believe the way we do that is through the work of legislative counsel, and that has been scrutinized.

**Mr Cousens:** Could I have someone other than yourself? Are you prepared to say that they are both an accurate reflection of each other?

**The Acting Chair (Mr Beer):** I am prepared to say, but I would certainly have legislative counsel speak. I just think it is a legislative process that we have and we, as legislators, can make changes to that. Legislative counsel has responded. He could respond again.

**Mr Cousens:** He has not answered the question I specifically asked.

**The Acting Chair (Mr Beer):** I believe he said that they do the translations in their offices to the best of their ability.

**Mr Cousens:** I asked a question specifically: Do both the English and the French of the rest of this bill match perfectly so that each are coincident with the same intent?

**Mr Spakowski:** Certainly that is what we strive for, and to the best of our ability that would be the case. I was not personally involved with the preparation of the French version, so I cannot give that guarantee. Our office can certainly make available bilingual legislative counsel who can answer any particular questions you might have on the French version.

**Mr Cousens:** I would like to have the question I just asked responded to. I am not expecting you to answer personally, but perhaps you could come back tomorrow with an answer from legislative counsel or someone who has looked at this with the certainty of the question. In the future that is going to be a question I will have to ask on every bill as it goes through committee because it now raises the whole question of it.

I have a second question. Who found this change which is now being called just a clarification? How did it surface?

**Mr O'Connor:** I think just noting there was a change made shows that we do have a good system with checks in it. I will ask Leo FitzPatrick to respond to your direct question.

**Mr FitzPatrick:** I confess I am the one who found the flaw.

**Mr Cousens:** Congratulations. Are there any others in there?

**Mr FitzPatrick:** The same flaw appears again a section or so later. There is another motion then.

**The Acting Chair (Mr Beer):** It is in our amendments.

We have the government motion respecting clauses 13(1)(a) and (b). Shall the motion carry? Opposed?

Motion agreed to.

**The Acting Chair (Mr Beer):** We now go on to a Liberal motion on subsection 13(2).

Mr McClelland moves that subsection 13(2) of the bill be struck out and the following substituted:

"Use of estimates, etc

"(2) In determining the required capacity of a landfill waste disposal site, the corporation shall consider,

"(a) the estimates provided by the minister under subsection (1);

"(b) estimates provided to the corporation by any person other than the minister; and

"(c) any comments, provided to the corporation by any person, on the estimates described in clause (a) or (b)."

Would you care to comment?

**Mr McClelland:** Yes. I think the rationale is just consistent with what we have already heard. I would be very loath to put words into the mouths of Mr O'Connor or representatives of the ministry, but it seems to me that is

exactly what they said, that throughout the process what they are going to do is not be locked into. You notice there is perhaps a subtle but I think important change of wording in my amendment.

First of all let me say that we felt this section should be deleted in its entirety. But to the extent that it is going to be there, we are saying that the IWA should "consider," rather than "use." I think it allows more latitude and is in fact consistent with the process as described by representatives of the ministry and Mr O'Connor that the IWA will be subject to the normal routine of scrutiny and cross-examination. It will be a fluid, dynamic process that will change as information is brought to the process in terms of arriving at a quantitative evaluation. To make that point, the word "consider" rather than "use" I think is important.

The bill as it presently stands says that the IWA must "use" the minister's estimates. We say "consider" the minister's estimates but give the IWA the latitude to look at other information. I suppose one could argue that doubtless the minister would collate information that is out there and available, that it would then flow through the minister and that at the end of the day you are using the minister's information in any event. I anticipate that may be an argument that will be coming from the parliamentary assistant. But it seems to me that from time to time other people might come up with good ideas. Organizations might come up with good ideas. The Recycling Council of Ontario may come up with other ideas, and so it goes.

I would not want to try to itemize the various sources, because who knows where good ideas might come up, and estimates and information would be of use. So I think it is, quite simply said, too restrictive to say that the IWA must "use" the minister's. I think obviously you would want to "consider" the minister's, given the great deal of expertise that exists at the Ministry of the Environment and the information it has available and its ability to distil and collate that information. Having said that, I think we have to be realistic and understand there is a bigger world out there as well in Ontario.

That is the purpose of the amendment, to try and recognize that reality and simply to put in legislative form the sentiment I believe is important, that the IWA has to—if in fact, as I said somewhat regrettably, they are going to proceed under Bill 143, then they should do so with a look at things beyond the Ministry of the Environment of Ontario. They should look at other people, organizations and interest groups that will have valid information and valid points of view to bring to bear on the subject in the determination of quantity.

1550

**Mrs Marland:** The reason I asked to speak earlier is that this is the third day we have been sitting in clause-by-clause examination of this bill. However, it is my understanding it is the fifth week that this committee has been sitting in review of this bill through public hearings and consultation.

I think it is deplorable when any of us legislators place the public in a confirmed position of cynicism. This afternoon I heard a member of the New Democratic Party

say—the member will probably react when I repeat this, so it probably will not be necessary for me to identify the member who said it—"The bill's going to pass anyway."

What really frustrates me is that as we are talking about this section, this amendment that is before us now or any part of this whole five-week process we have been through, let alone the inordinate amount of time it took those of us in opposition who argued in the Legislature for this public process to take place so that this new, draconian method of waste management the Bob Rae socialist government is bringing into the province could at least be partially understood by the public, for those of us who take part in this process from a sincere base, for those of us who sincerely attempt to make sure that the people in Ontario know what is going on, it is really quite a revelation to hear the member for Durham West say today, "The bill's going to pass anyway." What that says, as we sit at this moment and discuss the current motion that is before us, is that it really does not make any difference. It really does not matter, because in his own words the bill is going—

**Mr Wiseman:** I object to her putting words in my mouth.

**Mrs Marland:** The bill is going to pass anyway. Fortunately we not only have electronic Hansard today; we also have television Hansard. So for anyone who chooses to check Hansard, it is entirely possible that his off-the-record comment was picked up. It was an audible comment that this bill will pass anyway. It was an interjection over my colleague the member for Markham, who had the floor at the time the comment was made.

What it points out is that the public is totally turned off with the process of government at all levels. They are totally turned off by the cost of government at all levels. If we look at the cost of the sittings of this committee over the last five weeks in terms of ministry staff, Hansard staff, translators and legislative counsel and of course the cost of all the members to be here, we are looking at a substantial figure in dollars.

Then we hear a spokesperson for the government, an elected member of the Bob Rae socialist government, saying, "The bill's going to pass anyway." In other words, we might as well all pack up our bags and go home and not sit here and discuss any single amendment, any single change or any single improvement that within any realm of possibility might have been proposed and passed. We might as well all recognize that the whole process is just a sham.

Those who are going to be the most hurt are the people who continue to be disillusioned. What we have heard today just goes to confirm, unfortunately, that in some circumstances the public is right. That is the attitude of this current government over this bill with all its sections, including the one you wish I were addressing at this point. That is the attitude that is developed by the government, which pretends to listen when it is forced to listen. In this case they were forced to have public hearings by us in opposition, but it is all a big game with them, "Yes, we'll go out," and finally they conceded to have these public hearings. Then we hear the comment, "Well, the bill's going to pass anyway." So why bother?



I sit here thinking that if this really is the mentality today behind the socialist government that is pushing this dreadful, regressive Bill 143 through, then quite frankly I do not even feel like being part of it. All the work, all the study and all the research that has been done by the critic for our party, the Environment spokesperson for our caucus, the member for Markham, Mr Cousens—and I respect equally the work and the research that has been done by the official opposition members—might as well not have taken place.

I can assure you that when I sit here and speak it is not just to hear myself or to be heard; I am sitting here because I genuinely believe that as an elected representative of the Legislature in what happens to be Mississauga South—it does not matter which riding—I genuinely believe I have an obligation and a privilege to try to make a difference in representing the views of the people who elect me. When I am here doing that in a committed, dedicated and sincere way, as I feel all of us are at least on this side of the room, and when I hear a comment such as I heard about 35 minutes ago, I really wonder what for. What is the purpose?

I do not actually have a comment to the precise amendment that is on the floor, but I want to explain to you why I do not have a comment.

**Mr Cousens:** On a point of clarification of an earlier exchange, Mr Chair: Any concerns I have about the French translation and the mistake that has been found and corrected is that we have to have some confirmation that quality work is being done in everything. We are investing \$1 million or thereabouts on French translation services a day and we have to make sure that the value for the dollar is there. That is the concern and the basis of the concern I raised earlier. The fact that this was found and highlighted is the issue on that issue. I want to clarify that in case someone tries to read in other things.

On the amendment before us I think the worry is that the government has not listened to the people who made presentations. That is my sense. They have not reacted with amendments that I thought they would develop.

The motion before us really says that when you are looking at estimates, in order to develop a number you can believe in let's make sure there is some way of enforcing a sharing of information that will cause not only the minister or the Interim Waste Authority but all those who are involved to somehow participate in the process. As it stands now it will be purely the minister alone who makes that decision. I would think we can have some hope that when her phone is not answered now when people call her, that at least on this issue she will have some way of formally responding to the issues that are being raised: "Look at this as extra data that you should be reviewing prior to making your recommendations."

You really should not have to have this kind of motion. It is not the kind of thing you should have to bring forward, but on the basis of the total alienation of this minister and this ministry from the rest of the world—what this minister has done is shut herself into some kind of bunker where there is not the listening, the dialogue and the exchange that should be going on between the minister and other groups. What the minister will do is listen to certain pre-

ferred, favourite people, it would seem, and yet the elected officials in Kirkland Lake or Larder Lake or some of these others have never been able to get to her. They have not been able to gain access to the minister.

1600

That is why this motion is before us and why at least it begins to say: "Come on, New Democrats. Before you got elected you were great at listening to everybody. Now you are great at using the word 'consulting' without really doing much about it." What this will do is say that not only do you listen and consult, but you also have to take into consideration those views.

I think it is just a terrible statement of how democracy has slid under the New Democrats in Ontario, and the slide will continue unless we bring in some amendments like this that just put a halt to the stupidity that comes out of that ministry—the stupidity of not listening, the stupidity of not trying to involve other people and thinking they have all the answers themselves. That is what happens. You cannot work in this world unless you have all parties involved.

That is the mistake in the labour legislation, where Bob Mackenzie has developed his labour reform legislation without involving business. All the recommendations involved are totally pro-labour, but there is nothing in there that takes the business component. When you talk about the Ministry of the Environment's positions, so often what it is doing is taking a certain preferred group and developing that, rather than listening to the large other constituency out there that really wants to be heard.

**Mr Wiseman:** I would like to clear up a couple of things. First, I did not make that comment, and therefore I really feel it is inappropriate for them to say that.

On the second thing, about the input that people have made in terms of this bill, the government has brought forward a considerable number of amendments to this bill and they are in response in a large number of ways to the people who have made presentations before this committee. They are considering other items that were brought up during the committee but not related to this bill, and a large number of people have been in touch with the waste reduction office and have put in contributions to this process. While they are not reflected directly in this bill, they need not have been directly reflected in this bill because this bill has a focus to it. Therefore, some of their concerns may not be reflected here but will be reflected in other pieces of legislation or regulations, or the concerns will be met in some other way.

In the context of consideration of the amendments, this committee has met on a regular basis and has considered all the amendments that both the Liberals and the Conservatives have put forward and has evaluated them in the context of the bill and has sought to make an understanding of what those are and whether or not they are necessary or if they apply or whether they change the focus or the direction of the bill.

Clearly, there is a different approach that we have, as opposed to what the opposition parties would like to see in terms of this bill, and this is what this is all about. So I think to say we did not listen or we do not care is not

substantiated by the amount of time that we on this side have taken in evaluating the amendments, including this one, and the amount of time this committee—in fact, some of the amendments that are in here were targeted very early by the members of this committee and have been incorporated into this bill. There has been an interchange of ideas and there have been questions from this committee to research and to the legal people, and we have made every effort to make sure the points that have been made in criticism of this bill either have been cleared up or it has been substantiated that they are unfounded.

The third thing is that if they have directly changed the intent or the philosophical bent of this bill, then we are forced to defeat them because that is not the direction we want to go.

But to say we have not spent time and we have not evaluated, we have. In fact, I think the legal staff has received more than one question or clarification from me on certain aspects of this bill. Just to say we did not care or we are just taking it at face value is incorrect, so I want to clear the record.

Thank you for the time. I know I was out of order, as were all the previous speakers.

**The Acting Chair (Mr Beer):** Shall the motion on subsection 13(2) carry? All in favour? Opposed?

Motion negatived.

**The Acting Chair (Mr Beer):** Shall section 13 carry? Carried. Now we move on to section 14. Mr Cousens.

**Mr Cousens:** You are not going to approve my motion, and I think what we will do is just talk around this before we vote on it, Mr Chairman. I just ask the question: How do you describe the environmental assessment as defined in section 14? Is that going to be a full environmental assessment, or are there any limitations to it? If there are any limitations, what are they?

**The Acting Chair (Mr Beer):** Excuse me, Mr Cousens. Could I ask if we could do the following. The motion you have moved is out of order. There is one following which is also on section 14 which is in order. Could we simply move on to that second one, and then you could place that same question.

**Mr Cousens:** Sure, that is fine.

**The Acting Chair (Mr Beer):** Your motion is out of order. If I could ask that the Liberal motion be moved, then we can come back and deal with—I am sorry. Just before we do that, because there was the one amendment I also need to ask if section 13, as amended, which was with the change we had agreed to, will be carried as well. I will put the question on section 13, the one we just left, as amended.

**Mr Wiseman:** The amendment would be the government amendment.

**The Acting Chair (Mr Beer):** Yes, that is right. It was agreed to, but that amends the whole section.

Section 13, as amended, agreed to.

Section 14:

**The Acting Chair (Mr Beer):** Mr Ramsay moves that section 14 of the bill be struck out and the following substituted: "Environmental Assessment Act

"14. The Environmental Assessment Act applies with respect to a landfill waste disposal site referred to in section 12."

**Mr Ramsay:** I defer to my colleague Mr Cousens, who has some questions on this.

**Mr Cousens:** Thank you, Mr Ramsay. It is really the same question. Just to repeat it for the sake of staff or policy developers of the government, what in section 14, as it exists before this amendment, would limit a full environmental assessment? Are there any factors in there that would limit the full EA, and what are they?

**The Acting Chair (Mr Beer):** I am sorry, was that addressed to—

**Mr Cousens:** Mr O'Connor.

**The Acting Chair (Mr Beer):** I have to apologize. Mr O'Connor and I were just dealing with one of these items and I took his mind off your question. Would you mind repeating it? The Chair takes the fault.

**Mr Cousens:** I want to know, what in section 14 limits a full environmental assessment? The motion before us now is that there be at least a full environmental assessment for the selection of a landfill site. What in section 14, as it exists in Bill 143, limits a full EA?

**Mr O'Connor:** The answer to that is somewhat technical, and the process is being streamlined somewhat. Perhaps I can get Jim Merritt to answer the question a little bit better for you.

1610

**Mr Merritt:** I think the minister covered this in some detail this morning, but the wording of this clause—not the amendment but the clause in the legislation—clearly points out that the environmental assessment is limited to all matters except the forms of the 3Rs, reuse, reduce, recycle, and the siting in the appropriate areas.

**Mr Cousens:** To just sort of play around it, somehow or other for the sake of those who are not close to environmental assessments, we should begin to have some clear way of saying that what we are now dealing with under Bill 143 will not be—we should have a different name for the process, because you are really not talking about a full environmental assessment.

I know it is going to pass. Mr Wiseman has already indicated, "Why be here?" As Mrs Marland has eloquently said, "It's going to pass anyway." Notwithstanding that, maybe one of the things that could come out of it is that we would look at other ways of describing the process that is used in different bills for different situations and we would have some definition that goes out for the public at large and says: "Here's what we mean when we are talking about an environmental assessment in section 14." I think there is so much confusion over what we do in Queen's Park anyway, but that would be more helpful to them.

There is a difference between the environmental assessment that is being called for in 14 and what the motion before us would call for; it is more than just a simple change of words. As the parliamentary assistant says, there are a lot of technical differences in it. We are making it very difficult for people to understand what we are doing.



**Mrs Marland:** What I find interesting is that I am looking at a press release here on the letterhead of the Ministry of the Attorney General as of today's date. Is today the 25th?

**Mr McClelland:** All day long.

**Mrs Marland:** It is a press release jointly in the names of the Attorney General, the Environment minister, Ruth Grier, and the Energy minister, Brian Charlton. They are announcing that "a pilot project established to provide funding to public interest intervenors has been continued."

Is this not interesting? Here we are having the government pushing through this convoluted, very difficult piece of legislation, just confirmed by the question-and-answer exchange. We just had a very straightforward question from the member for Markham and the answer was, "Well, it's very technical, dah, dee, dah, dee, dah." On the very same day that we are having this discussion and we cannot get a straightforward answer to Mr Cousens's question, the government is deciding it is going to continue funding intervenors.

Now I must tell you that personally I am in favour of money going to fund intervenors because, in the public interest, with this kind of legislation nobody is going to be able to represent his own interests because nobody is going to be able to understand it. You would have thought that at a time when we were going through a clause-by-clause examination of the bill it might be an opportunity to clear up or make more readily understandable some of the areas that are being questioned. There is certainly an irony in what three ministries, including the Ministry of the Environment, have announced today and the fact that we are sitting here trying to clarify the process.

**The Acting Chair (Mr Beer):** Just for clarification, I note that section 16 deals directly with that issue and I wonder if we might not finish with 14 and 15. Section 16 would perhaps be a more appropriate place to raise that specific concern as it does deal with participant funding.

**Mrs Marland:** I was not raising a concern about intervenor funding. I was just confirming the need for it because of convoluted wording in the legislation.

**The Acting Chair (Mr Beer):** I appreciate that.

**Mrs Marland:** But I am quite happy to abide by your recommendation, Mr Chairman.

**The Acting Chair (Mr Beer):** Thank you very much.

**Mr McClelland:** The motion that Mr Ramsay moved, the Liberal amendment, is simply to refocus what we have said is a fundamental issue with respect to this legislation, that it is very narrow and closed-minded, quite frankly, in terms of its attempt to try and arrive at the best possible environmental solution to waste management for the greater Toronto area.

The member for Oriole, speaking not as Chair of this committee, speaking in the House on second reading of this legislation, repeatedly raised the point that Bill 143 excludes the possibility of finding the best environmental solution for waste management in the greater Toronto area. Mr Sorbara has made that point over and over again; Mr Mahoney has made that point in the House; Mr Ramsay

has made it; Mr Sola has made it; PC members have made it.

Time and time again we keep coming back to that question: Why is the government not open to looking at the possibility of finding the best environmental solution? Why are we moving away from trying to solve our problems on the basis of technical information and scientific analysis? Why are we moving back into making arbitrary boundaries?

What we are doing with section 14 as it is presently worded, in the absence of the amendment, is saying there is only one alternative that can be considered and that is a single site, knowing the fact that it is excluding other options that may be more environmentally acceptable. Let me give you a case in point. Let me reverse it. Rather than say, "Should Peel's be found elsewhere?" let's just say by way of example, so I do not sound too self-serving and too parochial in terms of my outlook, that if on the border of York there is a reasonably good site but somewhere within the boundaries of Peel there is a much better site from an environmental point of view—politically that is not a very smart thing for me to say because people—that will probably end up in Brampton North, or quite possibly end up in Brampton North given the lay of the land, so to speak, up there.

**Mrs Marland:** It is their turn.

**Mr McClelland:** Having said that, the point that I am trying to make, Mrs Marland, is this: Surely what we ought to be doing is getting beyond these arbitrary distinctions. Have we not progressed, I ask the parliamentary assistant and members of the government, to a point where we can begin to bring to bear on the solution and possible solutions, in a multiplicity of solutions, a technical, scientific assessment?

If we cannot, the question has to be asked, what are we afraid of? Why are we afraid to allow a range of alternatives, whatever they may be, whether it be multiple sites, whether it be a variation of location of sites, whether it be—who knows—any combination of other solutions brought to bear on the problem? Why are we excluding them from consideration? The bill does that. The bill is regressive in that sense. I have said and I will say again that in many respects Bill 143 is anti-environmental for that very reason.

One of the basic premises of Bill 143 is that it says that we will effectively scope what we are going to do. Municipalities on the one hand are going to love that, and I am sympathetic to that. They have had so many problems. It comes back to the problem that we have said earlier: If there is a problem with the Environmental Assessment Act, if that is the wheel on the cart that is broken, let's fix that wheel. Let's fix the Environmental Assessment Act. Let's make it more efficient while maintaining the basic principles of that act, which ultimately say we will look for the best solution or solutions possible.

Section 14 in its present form does not do that. I want to talk about the words "single site" contained now in section 14, as written by the government, bearing in mind that the motion Mr Ramsay has brought forward says that

we broaden the scope, that we work within the context of the Environmental Assessment Act, that we work within the context of looking at all alternatives, that we work within the context of allowing those alternatives, brought forward by a proponent, to be subjected to the utmost scrutiny and to allow the opponents as well as the proponents to make the case before an independent body, a joint board presumably, to make a determination.

What are some of the implications of "single"? Using the word "single," a single site as the only option for each region, you have to consider this, and I throw it out for consideration and ask the question: Is that concept inconsistent with the minister's restriction of the search area for the GTA regions?

1620

If her rationale for having a single site is that if waste is disposed of in your own backyard, you are more likely to divert, recycle and be environmentally conscious, then it would seem that several sites located in Durham, several sites possibly located in Peel, possibly Brampton, would be better, several sites in York and several in Metro.

The question again is begged. Is that the better or the best environmental solution? Perhaps it is, perhaps it is not. Some would argue that it does not make any sense, that it is not a good idea. I recall I think it was Mr Jackson who was before this committee and said he felt that one of the better solutions would be to have a multiplicity of sites, that many small sites were better. It was interesting that the gentleman who came before the committee made that suggestion. What that does is beg the question, what is the best solution? Is it, as suggested by one of the deputants, multiplicity of sites? Is it one site? Is it one site within each region?

The point of the questions is that we do not know and we do not know because the minister by bringing forward this bill has said that she will predetermine what the solution is going to be, without regard to whether it is the best or a combination of better solutions.

So I ask the question, is the rationale again that "in my backyard" will make people more environmentally conscious? I doubt it very much, quite frankly. I think the kinds of things that impact people are an awareness, a sensitivity to environmental concerns, their responsibility as citizens of this province, education that takes place with our young people and our children, things that happen on a day-to-day anecdotal basis where your five- or six-year-old mentions things to you and actually calls you up on some of your lifestyle. It is very interesting to be chastised by a five-year-old for not being as diligent as you should be in terms of your recycling, but that has happened to me. It is kind of interesting. It is almost a joke now if I do not make sure that every single item goes into the blue box.

Those are the kinds of things I say with a smile on my face but those are the kinds of things that really we should be working towards, not making these silly statements that because it is dealt with in Peel, the residents of Peel are going to rise up and become environmentally conscious.

Quite frankly most of my neighbours—and this is no disrespect to my neighbours—when they put their blue box or put their garbage at the bottom of the driveway and

it is gone on Friday mornings, do not really worry if it is in Peel or whether there is one site, 10 sites, 20 sites or, dare I say it, if it went on a rail car up to Kirkland Lake or went to Keele or went to Halton Hills. That is not their concern.

The concern that will drive people towards changing their habits and changing the way they live is a sense of commitment to the environment and for the long-term betterment of the world we live in, and the world we leave our kids. That is what this is all about.

To come up with this silly, ideological argument, "You've got to have it in your backyard because out of sight is out of mind," it is out of sight when it leaves your driveway and that is the reality. Let's live in a real world as legislators. Let's not pretend that we are doing something because we pay lip service to this concept that we are getting on our white horse and making some great impact on the—

**Mr Ramsay:** Or a black horse.

**Mr McClelland:** Or a black horse for that matter, as my friend says, getting on our high horse and saying, "We're making some great change," and beating our chests and saying, "Aren't we wonderful," because the current government has said that everybody is going to deal with their own garbage and take a sense of satisfaction that this is going to alter behaviour. That is absurd. It will not alter behaviour. What will alter behaviour is some of the things that were brought forward with some direct impact on people's lives, whether it be financial, educational or a combination of those things. That is what is going to change people. Let's follow through on this rationale. Is having one single site in each region going to make people divert waste and be more conscious? I doubt it, realistically.

On the other hand, if the minister's rationale for a single site is that several sites in each region only create more problems—leachate problems, dust, noise and traffic—it seems inconsistent with the requirement that a separate site should be located in each region. Why not have a megaproject? Because then you have only one set of problems to contain.

The point of the matter is that not only is it inconsistent within the terms of the act, but the section itself is inconsistent. The section says that this is the way it is going to be. I say very, very clearly again that in that respect, I believe it is absolutely regressive in every sense. This undermines the very heart of the Environmental Assessment Act, because it says that you will only do the following. The whole concept, the whole heart of the Environmental Assessment Act, is to have a broad-ranging, creative, forward-thinking approach.

I agree, as so many other people have stated, that the Environmental Assessment Act is far from perfect, not so much in the concepts and the principles that it seeks to embody, but rather in its implementation. I think we have all agreed with that. The previous government recognized that. I say with a great deal of respect, the current government has recognized that and has proceeded with a review of the environmental assessment process and the Environmental Assessment Act.



But having said that, let's be realistic about this. If the government votes for section 14 in its present form, it is saying without any qualification: "We are prepared to curtail the application and the extent of the Environmental Assessment Act. We are scoping"—to use a nice buzzword around the Ministry of the Environment—"the Environmental Assessment Act."

There may be some practical reasons for doing that, but that is not the way you fix the problem. Let me come back to the old broken wheel analogy. The broken wheel is the Environmental Assessment Act in terms of the process and the application of that act. Saying, "Let's not apply the act," does not fix the act. We fix the act by fixing the act. If this glass is broken and there is a way of fixing it, you do not say, "Don't use it; that will fix it." That is absurd from a logical point of view. What you do is either you fix the product or you change it or you get a new one.

What this government is saying is, "Because it's broken, don't use it," or, "Only use one side of it," or, "Use one half of it." It is acknowledging that the Environmental Assessment Act in its present form is not working as it should. Section 14 acknowledges that. Everybody has said that. Every municipality in Ontario virtually has said that, through AMO or individually. Even private proponents have said that. The experience of Halton Hills bears that out.

So the question is, why do we not divert the energies of the Ministry of the Environment and the excellent personnel that are there and the expertise that exists there to fixing the Environmental Assessment Act? I have to ask the question: Had that endeavour been undertaken some many months ago, perhaps even at first reading at this bill, if you had really begun to come to grips with dealing with the fundamental problem, how much further would we be down the road to solving it?

Bill 143 does not solve the problem. What Bill 143 does, and particularly section 14, is acknowledge that there is a problem. Rather than acknowledging that maybe the glass is broken on one side and we have to fix it, it acknowledges that it is broken and says, "Just don't use that side; just use this part of the act," or, "Change the act," or, "Apply it only in principle, as long as the principles fit, but if the principles don't fit the scheme, then don't apply the principles."

You have to ask, what are principles all about? The fundamental concept of the Environmental Assessment Act is to be maintained. Section 14 cannot pass in its present form. If the government passes section 14 in its present form, it is a blatant admission of failure to come to terms with the problem at hand. It is an absolute admission of failure on the part of the Minister of the Environment and the government of the day to deal with the problem.

It is an admission that we cannot deal with the problem, so we are going to come up with a short-term solution. We are going to come up with a quick fix, an easy fix. I ask the government to reconsider and to allow the terms of the Environmental Assessment Act to apply in their whole, to apply the Environmental Assessment Act as it exists now or, alternatively, do what ought to be done, and that is to fix the Environmental Assessment Act.

The motion we have brought forward is simply an attempt to bring into focus once again that Bill 143 is backing away from the Environmental Assessment Act. We want to say, as the official opposition, that we embrace the principles of the Environmental Assessment Act, while acknowledging that it needs some fixing up in terms of its process and application. I would hope that the government would, inasmuch as it has already recognized that the Environmental Assessment Act needs to be cleaned up a bit—if you will, tightened up, with some remedial action brought in terms of the process and procedures that pertain to the Environmental Assessment Act—not take away from that acknowledgement and the good work being done on the review right now by going ahead with section 14 in its current process. I hope they would have more faith in those seeking to work with the Environmental Assessment Act to make it more efficient and more user-friendly.

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Our motion asks the government, "Do you believe in the Environmental Assessment Act?" If you do, then you are going to support this motion. If you do not believe in the Environmental Assessment Act, then you are not going to support it. That will be left for the government to explain. It will be interesting to see how that will be reconciled with the statements made by the now minister while in opposition, and by the Premier when he was Leader of the Opposition, all the lipservice paid to the championing of environmental concerns and causes.

Groups all across this province will begin to realize the government is chipping away at one of the tools that has been used and which has given citizens, citizens groups and ratepayers associations the only chance to have meaningful participation above and beyond that. But it is looking backward and not forward; it is looking inward instead of outward into the tremendous resources and creativity.

One of the greatest resources we have in this province is the creativity and imagination of our community, our scientific community and the people who make up this province. Section 14 basically says to the people of Ontario, "We are not prepared to even consider, in terms of our environmental needs and waste management, the creativity, energies, knowledge and expertise that lie out there, because we think we have the best answers."

I do not think any of us in government, whoever we are, whichever party is in power, can afford to be presumptuous to that extent. We have to be open-minded. We have to be willing to be creative and look forward. I will not even begin to talk about the things that would not have happened in this world in terms of scientific involvement if people had said, "We cannot do it." People make progress by saying: "We believe we can do it. We believe we can make a change. We believe we can do things in a better way."

The people of Ontario can do things in a better way; they want to do things in a better way. They want to bring their energies, creativity and expertise to bear on finding the best environmental solutions for waste management. This government is saying, by section 14 as it now stands: "Sorry, men and women in Ontario, we do not have enough confidence in what you can bring to bear in this

solution. We are going to tell you how to do it." For that reason, I think it is such a fundamentally poor drafting of legislation.

I plead again with the members of the government caucus to consider what they are doing in passing section 14 in its present form. They are saying, "Sorry, we don't really believe in the environmental assessment process." I hope they would have enough courage to say: "We believe in the process. We recognize it can be improved, but we fundamentally believe in it." I hope they seriously consider our motion as put forward.

**Mr Wiseman:** I was interested in the member's comments. If we were to amend it in the way the Liberal Party is asking us to do, section 14 would open up the entire province again to the site selection for Metropolitan Toronto, restore Metropolitan Toronto's right to expropriate property in those areas and then move in and have the landfill site owned, operated and run by Metropolitan Toronto. We have heard very clearly from those organizations, from the people, from the elected officials even, that they do not want Metro's garbage in southwestern Ontario. They do not want Metro's garbage in eastern Ontario, particularly Marmora and Plympton; in Essex, Kent, Sarnia, Lambton; Durham and especially Pickering do not want any more Metro garbage.

We chuckle because I was just waiting to see if people were waiting for me to use that because it is becoming a common refrain. But I do not think it is inappropriate for certain aspects of the environmental assessment to be removed.

For example, there was a time when it was considered okay and a sound way of disposing of waste to have apartment building incinerators. We no longer have apartment building incinerators. We no longer have put apartment building incinerators in the environmental assessment for review because we know it is such an unacceptable way of doing things. We used to take PCB-laced oil and spray it on the country roads to keep the dust down. We do not do that any more either, but it does not mean we go back and include that kind of process of eliminating waste in the environmental assessment.

New York City, for example, puts its waste on a barge, ships it past the Gulf Stream and dumps it. Does that mean we in Ontario should consider putting the waste on a barge and taking it out in the middle of Lake Ontario and dumping it? Of course not.

**Mrs Marland:** New York doesn't do that any more. You're misleading people.

**Mr Wiseman:** Yes, it does. It still does. We saw Philadelphia put its fly ash on a barge and on a ship. That went all over the world and nobody knows where it wound up, but do we consider putting it on a barge?

**Mrs Marland:** I have a park in my riding that is built on fly ash.

**The Acting Chair (Mr Beer):** Mr Wiseman has the floor.

**Mr Wiseman:** In fact, this long-distance transportation of waste and hazardous waste has met with such disapproval internationally that at the Basel convention in

Switzerland most nations except for the United States signed saying that there will not be international transportation of waste. I think it is important to recognize that as we move forward with a better understanding of what we are considering, it is appropriate to exclude from evaluation and comparison certain types of waste disposal.

I do not think the people of Ontario would want us to drag out an environmental assessment, as it was in Halton for almost 10 years and \$140 million, by including in the process disposal methods that have already been determined as unacceptable. This government has decided—and incidentally, I agree with it and I have become more convinced on the need to ban incineration and long-distance transportation as these hearings progress—and this bill includes, that it is not appropriate to consider incineration and long-distance transportation to other communities as part of the environmental assessment process.

It has also recognized, but not entirely within this bill, that the environmental assessment process needs to be reviewed and it is carrying on the work begun by the previous Minister of the Environment with the environmental assessment program involvement project, or EAPIP. But they have continued to do this and there have been some good submissions. People, on an ongoing basis, are discussing and working on draft papers that will come out some time in the future on an environmental assessment review, but to say you should include all these other items, incineration and long-distance transportation, when you have already deemed them to be unacceptable, is simply a waste of taxpayers' money. It would also expand and lengthen the process and put into the process items that are unacceptable for a lot of people.

A lot of groups we heard said: "Don't consider it. We applaud you." We heard a large number of groups applaud us for this section of the bill as well as hearing people who did not like it, but we heard almost as many people who applauded us, especially when we went outside the Metropolitan Toronto area. We heard from large numbers of groups in southwestern Ontario who said: "We do not want Metro's garbage. We applaud you for this section of the bill. Keep it there and make them solve their own problems."

The last point I would like to make is in terms of education. Four or five years ago, when I first started into this process of garbage and landfills, I think the population was just starting to come around to the needs of the environment in this area. Some places were much further advanced, such as areas of my riding, because daily they could see the mountain grow in Pickering. But I think the public generally has gone beyond us, as politicians, in some cases to a point where they really expect us to do a lot more.

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We also heard from large numbers of groups saying: "Hey, what are you doing? You know what has to be done. You know there's a time limit in terms of the window of opportunity to make an ecological difference. Stop wasting time. Let's get on with the recycling, reducing and reusing." They applauded those sections of the bill. At the same time they said there is a need in our society to conserve the raw materials and the natural resources, and we have to make



sure that in the future our children do not look back at us and say, "Well, you wasted the aluminum."

We heard from Alcan, for example, that \$40-million worth of aluminum was deposited in the landfill sites in the last two years alone. This has a huge implication in terms of the cost of the energy that was used in it, the loss of opportunity of recycling that material and the jobs that would have created, the competitive advantage we would have had in the international markets, had we been able to recycle that material. It costs less to recycle material, especially aluminum, than it does to make it raw. They will turn to us and say: "Why did you squander my advantage? Why did you do what you did if you burn all this waste?" We have to stop looking at it as a form of waste. We have to start saying that what we are doing is having a much better reallocation of resources.

I wandered a little from the section, I know, to the last section of the bill, but I think it is important to emphasize that this is an environmental assessment, and that the IWA will produce environmental documents. There will be an environmental board hearing and an environmental board decision. This does not abrogate the environmental assessment, it removes two items to add to a long list of items already removed from the environmental assessment process that we no longer consider. I think it is a legitimate environmental assessment process that can stand and will expedite and move forward towards a much cleaner environment for our children in the future.

**Mr McClelland:** In short, Mr Wiseman has said he lacks confidence in the people charged with the responsibility to make rational, intelligent decisions. People are not going to come forward, as proponents, with absurd ideas of putting garbage on barges and dumping it in Lake Ontario or whatever other kind of—

**Mr Wiseman:** They used to.

**Mr McClelland:** —flights of fancy that he had. He is quite right: People used to do that. That is the very point we are trying to make, Mr Wiseman, that people deserve more credit than you are apparently prepared to give them. People are not going to do absurd things like that. They are going to bring forward ideas that will either be accepted or not accepted. That would be done in the normal course of events through environmental assessment under a process that most people respect, and that most parties and governments have respected, the independence of quasi-judicial bodies and bodies that administer tribunals charged with the responsibility of making decisions as objectively as possible.

I submit that at the end of the day none of us is truly objective, but certainly most people charged with those responsibilities discharge them in a fashion that up until this point in Ontario has been excellent. People have undertaken their responsibilities as they serve on joint boards and other bodies diligently and have done so with goodwill and have applied their intellect, their expertise and their energies to coming up with solutions.

For Mr Wiseman to suggest that people are, I suppose, foolish, silly and juvenile I think is shortsighted. I believe people are capable of exercising their responsibilities in a

rational, intelligent way and of writing joint board reports that are defensible, recognizing that at the end of the day there are mechanisms in place where a government of the day can influence the decisions that are being made by those boards in a legitimate fashion by enunciating policy, by, if you will, persuading people in a positive fashion. But to say ultimately that we do not have confidence in the men and women who are charged with the responsibility of making decisions through the process of a joint board hearing or an Environmental Assessment Board hearing I think is the thin edge of the wedge, quite frankly, that says we are not prepared to put confidence in people to exercise their responsibilities fully and completely and honestly without this Big Brother approach that we have to make sure they do the job right.

I think that at the end of the day, no matter how you cut it, no matter how you argue it—if you want to argue by going back into history, so be it. Mr Wiseman can, on behalf of the government, seek to make those points by talking about examples he used about spraying PCB-laden oil on roads and so on. We are not talking about that. We are talking about looking towards the future. We are talking about opening up the scope, if I dare use that word in the context it is sometimes used in these debates, talking about opening up the horizons and allowing people's creativity in the scientific community to make advances.

There may in fact be opportunities, whether it be multiple sites or others, that are better. I do not sit here and presume to make those judgements, unlike my friends opposite, I suppose. They may argue that I lack conviction. I just do not feel, quite frankly, that I can presume to have all the answers to all the questions and all the possible solutions that may be out there. I quite candidly admit that I do not know, and I quite candidly admit that there are people who have expertise and who have the experience who are charged with the responsibility of making some of those determinations under a very thorough process, and who are better able to make those decisions.

When legislation is drafted that becomes restrictive in its nature, the very fact that it is restrictive causes me concern. I think people generally want less government in some areas. They want good, positive leadership. They do not want restrictive leadership. I believe that as the legislation is presently drafted it is restrictive in nature. It does not allow for the presumption that the best can be obtained by everybody working together and working in a positive way and working in harmony, and that is why I object to it. I say again that fundamentally it says we do not have confidence in the process, we do not have confidence in the people who are charged with the responsibility of fulfilling their responsibilities under the process.

It is obvious that the government members have been instructed to close their minds and close the door for the present and presumably for the future, for at least as long as they are in power. That is fine. They will live with that responsibility. I think it is interesting and not inconsistent with the fact that this government is saying, "We're going to be restrictive and regressive in our approach," recognizing that the rest of the world is moving in many, many positive directions and this government is saying, "Sorry,

we're going to put on the brakes and we're going to hold things," and of all places to do it, in terms of the environmental front.

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This is a government that I would have thought would have been more creative, would have had more confidence in the ability of the men and women in this province, would have had more confidence in the efficacy of environmental groups to make the very points Mr Wiseman makes, which for the most part I tend to agree with, but the point being that I do not think he or I are—well, let me qualify some of the points he makes in terms of moving ahead and looking towards solutions that are defensible environmentally. But I do not have all the answers, and things do change and circumstances change. Technologies change. They advance. Sometimes you find out things you did not know before. That is the very nature of science.

What this does is say that a single site is the best solution. That is what section 14 says, that for each municipality a single site is the best solution.

I do not accept that. It may be the best solution. The best solution may be for Durham to find one site. The best solution may be for Peel to find one site. The best solution may be for York to find a site for York and for Metro. But it may not be. There may be other combinations. There may be other solutions. There may be a multiplicity of sites involved. There may a superior environmentally sound site for a waste management operation.

This section says we are not prepared to consider that. And I say, who am I, who are my friends opposite as legislators to say that we have to close our minds and be so narrow in our thinking? How is it that in 1992 we draft legislation that says that we are going to narrow our focus, that we are going to look on the small scale and not be creative and open-minded? How do you rationalize that? How do you justify supporting a document or a piece of legislation that presumes to say, "We have the answers, as legislators in the province of Ontario." All answers? There is a difference between providing leadership and saying we have the answers and we know what the best solution is.

I say again that maybe the solution that is set out in this legislation is the right answer. I am not prepared to make that assessment or that judgement at this point in time. Apparently the government members are, and so be it. But I say to the people of Ontario and I say to the Minister of the Environment through the process of this committee that I think it a sad day when people sit in their offices as legislators and say that we have the best environmental solution. I do not think I have the best environmental solution. Apparently the minister of the day thinks she has the best solution.

I say to the minister, through her colleagues here and through the parliamentary assistant and through the process of public hearings, that there may be better ideas out there. Maybe somebody has good ideas. Maybe the municipalities will come up with a combination of good ideas. Be prepared to consider them. You may not accept them at the end of the day, but consider them. Be open, be willing

to not just write them off before they even have an opportunity to bring their ideas forward.

Section 14 simply says: "We're not going to listen. We've made up our minds." Apart from the specifics of the environment, think of what that says philosophically about this government. This government is saying: "We have all the answers. We know what's best." And if they know what is best in environment, maybe they think then they know what is best in all cases for other things too. That causes me a great deal of concern.

To be on point with the environment again and to bring it back in conclusion, I think we have to be open-minded, we have to be creative, we have to look to the future and we have to look to the resources, the intellect of the people of this province, the creativity, the good, positive goodwill that exists out there and the concern for the environment that people have, that they genuinely have. I think we do the people of Ontario a tremendous disservice, not only now but for many years to come, if we allow this bill to go forward in its present form.

**Mr Cousens:** The amendment before us could be even stronger than it is, because we would not need to have Bill 143 if we had a good environmental assessment process. If we had an environmental assessment process that had some of the legal skills of trained legal judges handling the cases, then you are going to be able to deal with some of the frivolous objections people bring forward as environmental objections. If you had someone who was going to handle that process in such a way that it was going to be speeded up and accelerated, you could handle those objections that are worthy of being dealt with, give them some extra time, but the whole process could be revised so the environmental assessment becomes something that has built into it the speed of the Supreme Court of Canada reviewing a case.

If the Supreme Court of Canada takes a case, it takes it because, first of all, it is experienced in the law. If someone comes in with something that is just going to waste time, they are kicked out. In some cases, they limit the amount of time that can be used to plead the case to 15 minutes, and if you cannot make your case in a short period of time, then you are just not allowed to continue to waste the time of the court.

If the environmental assessment process was correct and was working, it would change that and refine it. We would be in a position to say we do not need some of these laws we are now coming in with. That really is what it amounts to, but we are tripping over ourselves with all kinds of limitations being brought on by the logic of a government that suddenly has to implement policies that it just feels are important. Most of the people in Ontario do not share that view.

So where do you go? All we can do is try. The end of the day comes, and we have not got as far as I had hoped because there are just so many things yet to do. None the less, I share the intent of this. If we were to look at the Environmental Assessment Act and change it, we could do away with Bill 143 and begin to handle the environmental concerns that people have in Ontario.



**The Acting Chair (Mr Beer):** I have Mrs Mathysen. There are just a few minutes left before 5. Do you wish to make your comments?

**Mrs Mathysen:** Yes, because I can be very brief and very succinct. I would like to say very clearly that we should call this amendment what it is, and it is an attempt to undermine all the positive aspects of Bill 143 by reintroducing transportation and incineration.

I agree with Mr McClelland when he says people are rational, reasonable and concerned about the environment, and therefore they will recognize the reasons so eloquently and clearly stated by the Minister of the Environment this morning about why eliminating transportation and incineration as a possibility is so essential. Transportation is anti-3Rs, and it forces others to be responsible for the waste generated in the GTA. Incineration is also anti-3Rs, and there is significant evidence that it is environmentally unsound and poses health risks.

I can tell you that we are not going to be tempted into allowing the kind of unfairness that the opposition is purporting with this, and we are not willing to risk the health of the environment or of the people of this province.

**Mr McClelland:** I was just wondering if the parliamentary assistant would, I suppose in part in response to Mrs Mathysen's position and apart from the issue of transportation and incineration, want to comment or have somebody on behalf of the government comment on why it is that one site is necessarily the best solution.

As I said before, you can try and paint it however you want. I am not necessarily speaking pro-incineration or pro-transportation; that is not the issue and I have never said that. You can play all the kinds of word games you want, and Mrs Mathysen can keep trotting that out, and it may or may not stick, and I will live with that.

The reality of what I am asking is, what is it you are afraid of? Is it one site? Is it two sites? Why is it you believe so much that it is only one site in each region that is the best solution? Is there some rationale for it? Is there some data that you have brought to bear? Have you somehow secretly come up with some scientific information that supports only one site?

Those are the kinds of questions that are begged by section 14, because what you are saying is that you have the answer. It is not just transportation, it is not just incin-

eration, it is the whole concept; the whole concept is that you have the answer. I guess I have to ask, how is it that you have the answer? What is it that you have done as a government that provides the answer that is the best answer?

Further to Mrs Mathysen's comments, I would be interested in knowing at some point in the course of the hearings, either today or some time during committee of the whole or third reading, whether you would shed some light for myself and for the other members of this committee and the people of Ontario on what magic it is that has come to pass that has provided your government with all the answers all of sudden to come out with the best solution. Or alternatively, are you willing to admit that maybe you do not have the best solution and you have just come up with a solution that will work or that you think might work?

**The Acting Chair (Mr Beer):** I realize there is a question there. It is now 5 o'clock. If the parliamentary assistant would care to give a reasonably brief answer, we could go forward with that.

**Mr O'Connor:** To be brief at this late hour, unfortunately the honourable member who raised that question was not here this morning to hear the minister's response, because she did talk at some length about the concern. It comes to a point where the government has to provide leadership. When the time comes and the judgement of the day takes place, the government will be judged upon its merits for seeking a solution to the problem we have before us, which is the waste management problem within the GTA. I encourage you to review Hansard, as I am sure you would anyway as the diligent critic that you are.

**The Acting Chair (Mr Beer):** Just one thing before we break: It now being 5 o'clock, no further amendments will be accepted by the Chair. I would also like to remind members of the committee that at 4 o'clock sharp tomorrow, whether anyone is in rhetorical flight or not, the gavel will come down, as directed by the House. We are then to begin voting on all those sections, amendments, whatever that have not been dealt with. If we happen to finish beforehand, that is fine, but those are the instructions from the House. I simply want to remind everyone that I shall have to follow those. With that being said, this committee stands adjourned until 10 o'clock tomorrow morning.

The committee adjourned at 1702.

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#### **Also taking part / Autres participants et participantes:**

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Drew Blackwell, assistant deputy minister

Leo B. FitzPatrick, solicitor

Jim Merritt, acting assistant deputy minister

**Clerk / Greffière:** Mellor, Lynn

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Thursday 26 March 1992

### Standing committee on social development

Waste Management Act, 1992

## Assemblée législative de l'Ontario

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Loi de 1992 sur la gestion  
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# LEGISLATIVE ASSEMBLY OF ONTARIO

## STANDING COMMITTEE ON SOCIAL DEVELOPMENT

Thursday 26 March 1992

The committee met at 1010 in room 151.

### WASTE MANAGEMENT ACT, 1992

#### LOI DE 1992 SUR LA GESTION DES DÉCHETS

Resuming consideration of Bill 143, An Act respecting the Management of Waste in the Greater Toronto Area and to amend the Environmental Protection Act / Projet de loi 143, Loi concernant la gestion des déchets dans la région du grand Toronto et modifiant la Loi sur la protection de l'environnement.

#### Section 14:

**The Acting Chair (Mr Beer):** Good morning. We will begin again our clause-by-clause consideration of Bill 143 now that the fog and traffic have allowed us all to gather. When we recessed yesterday we were dealing with a Liberal motion on section 14. I believe that at that time, Ms Mathysen, you had completed your comments.

**Mrs Mathysen:** Yes, Mr Chair.

**The Acting Chair (Mr Beer):** I cannot remember whether I had recognized anyone else at that point. Was it Mr Cousens?

We have a number of motions that relate to section 14. Was there any further discussion on the first Liberal motion? If there is no further discussion, shall the Liberal motion regarding section 14 carry? All those in favour? All those opposed?

**Mr Cousens:** Could I have a recorded vote on that?

The committee divided on Mr Ramsay's motion, which was negatived on the following vote:

**Ayes—4**

Cousens, McClelland, Ramsay, Sola.

**Nays—6**

Lessard, Mathysen, Martin, O'Connor, Ward, B., Wiseman.

**The Acting Chair (Mr Beer):** We will move on to the next amendment, which is a government motion.

Mr Wiseman moves that the French version of subclause 14(1)(a)(i) of the bill be struck out and the following substituted:

“(i) la réduction de la quantité de déchets produite dans le secteur de service primaire,”

He further moves that the French version of subclause 14(1)(b)(i) of the bill be struck out and the following substituted:

“(i) la réduction de la quantité de déchets produite dans le secteur de service primaire.”

**Mr Wiseman:** This is for the same reasons that we gave for the change in the previous translation.

**The Acting Chair (Mr Beer):** Any questions? Shall this section carry?

**Mr Cousens:** I think it falls in line with some comments of yesterday, and I just want to put on the record my concern, and it is a concern which really has to be addressed satisfactorily, even beyond what goes on in this committee. But inasmuch as we have both English and French now being the way in which all statutes and laws of the province of Ontario are being written, and inasmuch as some people like myself are unable to read the French versions, and inasmuch as I am not about to take the immersion program and learn French as was suggested yesterday by Mr Lessard, which would be a good way, it is not the way in which I am going to solve the problem I am talking about.

What has happened now is that there is a concern being raised about the accuracy of the French version matching the English version. It raises the question of the quality that goes into that workmanship. It really is something we cannot take lightly. I am pleased that through the committee process the committee and the public servants have been able to find these issues and make the corrections.

So to that extent, I am pleased that the committee is sitting. The committee would not be sitting had Mrs Grier had her way. On December 19 she would have passed this bill, and there would not have been any opportunity to make the kinds of changes that the government is bringing forward now, because she made every effort to pass this bill on December 19 rather than have public hearings and rather than have a chance to make any refinements or improvements to this bill.

The deeper and fundamental issue that surrounds the subject of French-English is that as one who is elected—I do not know much about what the New Democrats are doing with regard to their directions, but I bring to their attention that I disagree with the approach they are taking—I have to have some satisfaction that the services that are being provided by legal counsel are really demonstrating and can prove, at least to my satisfaction now and in the future, that every effort is being made to make the law the same both in English and in French.

I do not relish the problems we could be having here in the province of Ontario if it turns out that we start having legal entanglements because of these differences and people start reading the French version—maybe it is a good reason to get them to study French—in order to find a different nuance that is going to help them to get around a particular problem.

Yesterday when we were talking about this I referred the issue further to counsel, and I would appreciate some kind of response from our legislative counsel that would clarify and elaborate on the services they provide that go as far as possible to make sure the English and the French match.



**The Acting Chair (Mr Beer):** May I just note that following our discussion yesterday, as your Chair I met with our legal counsel and representatives in the office of legal counsel so that we would be able, I believe, to reassure you in terms of this question. I will now call upon legal counsel to comment.

**Mr Spakowski:** The opinion of the office of legislative counsel is that subject to the tabled motions, each version of the bill accurately reflects the law as set out in the other version. That is our opinion.

**Mr Cousens:** You are satisfied that with this amendment everything is copacetic?

**Mr Spakowski:** Yes.

**The Acting Chair (Mr Beer):** Nice touch of Latin.

Shall the government motion on subclauses 14(1)(a)(i) and (b)(i) carry?

Motion agreed to.

**The Acting Chair (Mr Beer):** Mr McClelland moves that subclauses 14(1)(a)(iii) and 14(1)(b)(iii) of the bill be struck out and the following substituted:

"14(1)(a)(iii) use of other single landfill waste disposal sites, whether publicly or privately owned, in the primary service area; or

"14(1)(b)(iii) use of other single landfill waste disposal sites, whether publicly or privately owned, in the primary service area."

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**Mr McClelland:** The bill, as it now stands, says, "landfill waste disposal sites." The amendment just simply adds "whether publicly or privately owned." That is the operative element of the amendment, to add those five words.

We have heard throughout the course of the day some considerable concern about the intent of the government. The background of it starts, I suppose, well before the 1990 election documents that were issued out of the then NDP campaign office and included the name of the now minister and policy positions stated by the government, which was then running a campaign as the official opposition. They stated that they did not believe there was room for the private sector in the waste management area in the province of Ontario. In fact they went so far as to say they believed that only a totally public-run sector could guarantee environmental integrity and could represent the best interests of the people of Ontario.

We have heard a number of things that qualify that over the course of these hearings. By way of example, the minister came before the committee early on, indeed on the first day of committee hearings on this bill, and said that the private sector was welcome in the province of Ontario and that it should rest assured it was welcome.

We have also heard statements made, whether it be by the parliamentary assistant or by members of the government caucus, saying that those of us on the opposition benches, and particularly myself, are trying to be scare-mongers, if you will, and say that the government is anti-business. It is not just myself saying it; businesses have come and said, "We want a level of assurance; we want to

know that we have a role to play." All they have had is lipservice.

On one hand the government has said, "We don't believe in the private sector," and has said that in its documentation, has said that leading up to the election in 1990, has said very plainly that it believes only a publicly operated system can provide the service and meet the needs.

We also know that this is a government that does not necessarily respond to the general public, but has responded to very specific interest groups. One of those interest groups certainly is not business. There is ample evidence of that over the course of the last year and a half; that there is something wrong, it seems fundamentally, with profit. The government does not feel that business is welcome in this province, and it has done virtually anything it can to send out the signals that business is not welcome here in a variety of sectors. Indeed, part of the socialist philosophy is that government can always do a better job.

I personally, and my party as well, happen to believe that government has a role to play in some areas. But the government does not have all the answers, and in many cases government in fact cannot do a better job. The government inevitably does a worse job of conducting many things.

Abraham Lincoln, the President of the United States at the time, said many, many years ago that governments ought not to be doing in society what individuals and what the private sector can be doing and doing well. I do not think a whole lot has changed over the course of the decades that have intervened since the statement made by President Lincoln to that effect.

In fact it is one of the tenets of our party and one of the things that we believe in, that the private sector is not only welcome in Ontario but is absolutely necessary and needs to have an atmosphere wherein it can work in harmony and cooperation with government, that it has very much to offer in a variety of areas but specifically in the area of waste management. We know that there are literally millions upon millions of dollars of payroll that are carried by the private sector in the province of Ontario with respect to waste management. We know that many private sector organizations conduct themselves with integrity and conduct themselves well.

We have heard from time to time, particularly from one of the members opposite, an epistle about what a terrible job the private sector has done in one or two areas. Many in the private sector would not dispute that. In fact they do not dispute it. We in the Liberal Party believe that the role of government, primarily in terms of waste management and in terms of environmental issues on a broader scale, is to set the framework and set the policy and to monitor that and enforce it. Because one or two operators in the private sector have not fulfilled their mandate according to the laws of the land or the regulations that ought to apply for the operation of waste management sites does not mean that all private operators ought not to be allowed to be in the province of Ontario. It no more follows logically that because an operation is run publicly or privately it will be run well.

The job of the government is to have regulations, to have standards, to have a policy in place and to ensure that those standards are met, whether it be public or private. This is not an issue of one or the other; it is an issue of either/or or both in combination and in harmony.

The government has apparently changed its tune considerably. They now want to have this so-called partnership with business which heretofore they were not interested in, but now they are beginning to shift their position and are saying, "Maybe of necessity we are recognizing we can't solve all the problems and maybe there is a role, reluctantly we'll agree that there is a place for business in the province of Ontario," notwithstanding the fact that they are doing more to drive business out of this province than anybody could have even imagined possible.

Having said that, what this amendment seeks to do is to recognize very clearly the statements by the parliamentary assistant and sort of a passing reference made from time to time by the minister, both in her statement on the first day of the committee hearings and the first day of hearings this week. I noted in the statement she made this week that she said: "We didn't really mention business because we don't want to cloud the issue. Business has been operating and operating reasonably well in many respects in Ontario, and by including reference to business in 143 we kind of carve it out and make it an issue, and it's not an issue."

Let me tell you, Mr Chairman, it is an issue very much in the minds of the private sector operators in this province. We had an association and its counsel come before us in Kingston, and on a quick question to Mr Rohmer, counsel for the association, I said: "What will happen if you aren't given amendments that will secure the future of the private sector? What are the implications of Bill 143 without the amendments you need?" He said, "The implications are disastrous for the private sector's involvement in waste management in Ontario." I did not even push the issue, and the following statement was made, or words to this effect: "If there are not significant changes and a recognition by the government of the day in some concrete form in terms of amendments that recognize the involvement and give that element of certainty to the private sector involved in waste management in the province, they very well may not be operating effectively in this province within three to five years."

I will not mention it, but there is one company and one company alone that has \$2.3 billion of capital investment in this province, and a payroll of over \$3 million that is basically taking a wait and see attitude.

There is another company that just over two years ago had 27 people operating in Ontario. They in fact were a company that is a world-wide international company. They were born, in terms of their corporate birth, in Hamilton, Ontario. They have become an international player in terms of waste management.

I do not for one minute suppose to suggest that it is only because of the government of the day, but it is a significant part—and I am not saying it, the company is saying it—a significant reason they now have only three whereas a year and a half ago they had 27 people operating

in Ontario in their office. They now have three. Do you know where they operate out of? They operate out of the United States, and they were born in Canada. Their management is now centrally located in the United States. And the reason? There is no certainty. "We can't invest in Ontario in the absence of certainty. We have to be accountable to our shareholders."

I do not want to be flippant or trite about this, but the reality is that the government members have got to understand that business cannot operate on a "what if/may come" basis. Business operates on making plans and rationally thinking through what it is going to do, building five-, 10-, 15-, and 20-year plans in terms of investing literally millions, in some cases billions of dollars.

What is at stake here is not only the involvement of the private sector in terms of waste management in this province; it is also, if you will, the music that is being played through this committee. Other people are watching us. Other sectors are watching what is happening here. We have heard from other sectors. We have heard from sectors that are totally unrelated to waste management. Why do you think the Ontario Chamber of Commerce is worried about Bill 143? Why do you think the Mississauga chamber of commerce is worried about Bill 143?

**Mrs Marland:** Board of trade.

**Mr McClelland:** Why do you think the Mississauga Board of Trade—thank you, Mrs Marland—or the Brampton Board of Trade is worried about Bill 143, and other businesses that one would say are not related in any way, shape or form to waste management?

The reason they are concerned about it is because the signals that are being sent, the music that is being played in Bill 143, very plainly is: "We'll say that you're welcome, business, in Ontario, but we're not going to give you any assurances. Trust us. We're the government. Trust us."

In spite of everything we have done, in spite of our initiatives in terms of day care that says the private sector is not welcome, in spite of our initiatives in terms of the outrageous budget that says, "Business, you really can't feel secure in this province," in spite of the absurd labour law package that has been brought forth that is in many respects anti-business and anti-investment and at this point in time in our economy sends messages that say, "Don't invest in Ontario," in addition to that you have something like Bill 143. The government says: "Trust us. You're welcome here." Is it any wonder that business says: "We're not so sure that we can be here. We're accountable to shareholders."

1030

The government members surely recognize that. We all come from different backgrounds. Many of us on this side were not necessarily involved in business and private sector involvement, but we have at least a rudimentary understanding of the fact that corporations have responsibilities, ultimately to the people who invest in them. In some cases, it is many people; it is individuals who have bought shares in companies. In some cases, they are private entrepreneurs who have established in Ontario and make a valuable



contribution to the economy and to creating jobs in this province.

Men and women who start business sometimes put their life savings, their homes and everything they have on the line to take a shot at it and maybe they will make it. That has been one of the dreams of the private sector and that dirty word "capitalism" in the private sector that the government seems to have such difficulty understanding. It has driven this province and made it a place of envy around the world, and what the government is now saying is: "We don't really welcome you here. We'll tell you that you are welcome here, but we won't give you those assurances you're asking for. Trust us. We're the government. Notwithstanding all the other signals we're giving you, trust us."

The government on one hand says: "We're prepared to recognize the viability of the private sector. We're prepared to recognize the fact that government isn't the answer to all the problems. We're prepared to recognize the fact, and not only say it but demonstrate, that business is welcome in Ontario, not only in waste management"—albeit that is what we are talking about here today—"but across the board and across the spectrum of business and business opportunities that may obtain in the province." Here is an opportunity for the government to not only say it but to send a positive signal.

The government says it wants to be cooperative. They want to welcome business. The Premier not too, too long ago was on television. There was a great deal of ballyhoo about his presentation. He said: "Hey, look, we're in this together. We've got to solve our problems together. Not everybody has the answers." Yet they come back into committee the very next day and start playing word games with the private sector and say, "Well, you know, we're not really sure where you sit in Ontario."

Business people, men and women who are putting in their life savings, in some cases, in an attempt to start a business and make it operative, need to know what the future holds. People who are responsible as directors of corporations, who are responsible to shareholders, need to know what is going to happen.

We have heard it said and we all pay lipservice to this, but let's understand what we are saying. We live in an economy that has global implications, and many of the companies that operate in Ontario are now international. As I said, one of the sad facts is that many companies that started in Ontario are international, literally around the world, and they are pulling out of Ontario. They started here, and they are pulling out.

Some of them have said that in terms of Bill 143, it will have a direct impact on what they are going to do in the future, that there is an unwillingness for them to commit capital expenditure, that there is an unwillingness in some cases for them to even bid on contracts that are coming up for renewal. They are saying: "We're just not going to put any money into the maintenance of our equipment and we'll just let it run out in terms of its capital life. We're not going to reinvest, because there's no point in reinvesting if the government is going to shut the door on

us. That would be totally foolish." They are asking for assurance.

This amendment does not go very far at all in giving them that assurance. There are a good number of other amendments we have as a Liberal caucus that have been brought to our attention with the help of many people in the private sector who have said that: "This will give us a level of assurance. It will begin to move us there."

There have been tremendous concerns expressed about 143, and we have been through them all again, about how it is a patchwork, it does not make sense, it is not rational, it has a different set of rules for different waste streams for different locales at different times, and who knows what rules are applying at any given time, including the rules for the private sector. The private sector surely ought to have the same rules as the public sector. The private sector ought to have the same rules in the greater Toronto area as it has elsewhere in the province. But they do not have those assurances now.

What this amendment seeks to do is to begin, and it is only the first of many amendments, but it says, "We recognize the importance of the private sector in waste management in Ontario."

But I say again to the government members, recognize that people are watching this who are not necessarily involved only in waste management. They are saying, "What kind of signals is the government prepared to send?" This is one of the first pieces of legislation that has come forward where the private sector has said: "Tell us very plainly whether you want us or not. What is your answer going to be?" The government has said: "Yes, you're welcome here. But don't worry about it. We're not going to give you those assurances."

The test for the government in terms of this motion is in the eyes of—not the opposition members sitting here. It is in the eyes of people from business who are watching the vote here.

The words added here in this amendment are "privately owned," the only addition. I repeat this for you and for those people who will be watching and those who will read this in Hansard. The only addition is the words "or privately owned"—privately owned, the private sector, the business community. It is a recognition that there is a role for public or private in this province. Again—I am going to repeat this three times—the addition is "privately owned"—Mr O'Connor, you are listening—"privately owned." That is the addition in this amendment. That is all. That is all it says: "or privately owned." It adds into the mix of the socialist ideology the recognition that the private sector has a role in this province.

Can you accept that? Can you live with that? Will you begin to not just pay lipservice but to accept the addition of three words "or privately owned," to send a message in very concrete terms to men and women in this province that yes, the private sector is welcome in Ontario, not just in waste management but in any other areas.

Doubtless after our friends comment, because I am sure they will, I will respond to those. The very nature of this amendment adds "privately owned." What is the government afraid of? Do they believe in the private sector?

Do they believe there is a role for the private sector in waste management and in other areas in this province, yes or no? It comes to a pretty basic question in this regard, and I will be very, very interested to see how the government votes on this, and so will literally thousands upon thousands of other people.

**Mr Lessard:** Millions.

**Mr McClelland:** Probably millions, Mr Lessard says, and I think he is quite right.

**Mr Lessard:** Billions.

**Mr McClelland:** Then he throws out billions and sort of makes light of what I am saying. Mr Lessard, let me say this: There are people in Windsor who are out of jobs who would be very glad to have private sector investment, who would be pleased if the private sector would consider investing in Windsor. How many dollars have been invested in Windsor, I ask Mr Lessard, since your government has come into power? How many companies have chosen not to locate in Ontario or chosen not to locate in Windsor because of the messages your government is sending? Those are the kinds of questions that revolve around these kinds of amendments. Mr Lessard can make a statement and kind of laugh it off when I say there are possibly thousands of people who will be interested in what happens here and kind of play with it and say millions and billions of people. The reality is that there literally are thousands of people who are concerned, and there are people who are concerned about layoffs. There are people who are concerned about layoffs in Brantford and what is happening in health care and people getting their pink slips at hospitals. They want to know what this government is going to do in terms of management—it will be interesting to watch how they vote—if they are afraid of the words “privately owned.” My sense is that they are afraid of those words, and we will soon find out.

**Mr Wiseman:** I would like to visit this from a different angle, because I think what the honourable member has done has really thrown some interesting curves in there that are really not relevant to this section or to what this amendment could do, so I would like to visit this to Mr Leo Fitzgerald? FitzPatrick? You see, he did it, and I followed it. I apologize. I would like to follow a course of thinking on this thing. The first question I would like to ask is, is there anything in this bill that precludes the private sector?

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**Mr FitzPatrick:** No, there is not.

**The Acting Chair (Mr Beer):** Because we have started another day, when we are directing questions to a representative of the ministry, would you mind identifying yourself for the purpose of those watching.

**Mr FitzPatrick:** My name is Leo FitzPatrick. I am a lawyer with the Ministry of the Environment.

**The Acting Chair (Mr Beer):** We now have that on record, Mr FitzPatrick, so there will not be any more confusion.

**Mr Wiseman:** I have spent a great deal of time studying the British parliamentary system of government. As

you go through the history of the evolution of the British parliamentary system from 1215, which I think Mr Harris would find interesting—that is the date of Magna Carta—the tradition has been that if the government—this is through the evolution of Parliament and so on—deemed to want to change something, it specifically put it in legislation and those things that were not deemed to change were not included in legislation. Is that a correct assumption?

**Mr FitzPatrick:** I think you have me at a disadvantage on the history of the matter, but it is indeed a correct assumption. The courts are not going to find a restriction unless one is stated, and stated quite clearly.

**Mr Wiseman:** It is not necessary to include in this document that the private sector is included because by virtue of the fact that it is not mentioned in this, it is not excluded.

**Mr FitzPatrick:** That is correct.

**Mr Wiseman:** So silence gives consent to continue the traditional practices that have existed in the past.

**Mr FitzPatrick:** That is my opinion, yes.

**Mr Wiseman:** What is the philosophy behind writing legislation in terms of succinctness, verbiage and the use of language?

**Mr FitzPatrick:** In drafting legislation there is an attempt to be as succinct as possible and not introduce unnecessary words. One of the reasons is that if unnecessary words are used in one place as a qualifier or an explanation, people often try to distinguish that usage from some other place in similar legislation where the qualifying words are not used. Very often there is no intended difference in the choice of words, but because some sort of qualification or explanation has been put in people try to make a distinction that is not there or was not intended.

**Mr Wiseman:** If I read what you are saying correctly, if it is included in here and we pass this amendment, what we are in effect doing is altering the legislative writing tradition that has existed to this time.

**Mr FitzPatrick:** That is correct.

**Mr Wiseman:** Do you know of any other legislation in the past that has had this kind of qualifier put into it? For example, did any Liberal or Progressive Conservative legislation in the past deem to have this kind of reference put in it?

**Mr FitzPatrick:** Not that I can think of offhand.

**Mr Wiseman:** If this kind of language were put in the bill, would it in fact open up this legislation to potential challenges that would not exist if it were not in there?

**Mr FitzPatrick:** For the reasons I mentioned a minute ago, it could invite challenges in some areas.

**Mr Wiseman:** That raises an interesting point, again, about the need to be succinct and to be as clear as possible about what you are writing. Could this use of putting the private sector into legislation then preclude in the future legislation that would exclude it? Would it make it more difficult, for example, if any government wanted to put—let's say, hypothetically, it wanted to take over complete control of landfill sites. If this is in there, would that not



make a whole body of law difficult and the whole scenario difficult?

**Mr FitzPatrick:** I do not think that would be a significant problem. Perhaps a little more care might be necessary in framing the new legislation because of differing wording in different places.

**Mr Wiseman:** I would like to now turn to—actually to anybody, but I think Mr Drew Blackwell will have more of an idea of the kinds of negotiations that are going on with the private sector around the issues of waste reduction. Could you give us a brief synopsis of what the waste reduction office is doing with regard to the private sector and how it is being included or, as Mr McClelland has indicated, excluded? Could you give us an update as to what the waste reduction office is in fact doing with respect to including the private sector in negotiations and the position papers?

**The Acting Chair (Mr Beer):** Would you first identify yourself.

**Mr Blackwell:** My name is Drew Blackwell. I am the assistant deputy minister in charge of the waste reduction office in the Ministry of the Environment.

I will try to describe this briefly. In the first place, we are working on waste reduction strategies and strategies to identify the development of secondary markets for the different materials that compose the waste stream. In each one of these groups we try to include representatives of the producers, users, collectors and processors of the materials involved. We do not deal exclusively with those of the private sector in each of these areas. We also include municipalities and non-profit sector parties involved with each of these sectors.

The purpose of these groups is to help us devise strategies and give direction to the development of government policy as well as to the use of and targeting of specifically available stimulation programs that can be there to try to make sure we get the maximum effect of waste reduction for the limited resources available.

A second area in which we work with different representative bodies from the private sector is when formal policy has already reached the stage of a position paper or, as we are choosing to call them in many cases, initiatives papers. At that point we try to make sure that those parties most affected or that could be affected by any measures that are contemplated have some significant involvement in the actual consideration of the drafts of the papers prior to full public consultation.

Following that there is a practice of making sure everything is out for extensive consultation to all parties who are interested, and certainly at that point the private sector can choose anyone who was not included or did not feel represented through the various business associations with which we work and have the opportunity to participate.

A third area is when activities that will affect a particular sector have already been decided or are in the process of being fully decided and work on implementation needs to take place. A specific example I could give in this case is the area of the development of waste audits and waste reduction action plans for waste generators throughout the

province, as contemplated in one of the measures discussed in Initiatives Paper No 1 which was discussed widely last fall.

In this area we are making an effort, and I am happy to say the effort has been quite successful, to involve the associations that represent the different sectors in the development of the guidelines, the documents and the forms that will be used to assist businesses in the development of these audits. This is partially because there is a real need for businesses to understand, through their own associations, that in most cases these audits will be good for their bottom line and should not be seen simply as something that is an imposition. It is easier for them to realize this if their own business association is making that suggestion to them.

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Most important, it is because there are details and idiosyncrasies to the development of working documents for doing audits in particular sectors which are really known in detail only to the persons who are actively involved in that sector. It is quite different to do a waste audit in a hardware store than a dry cleaning plant. The people who are involved in these different sectors are the best advisers on how to do this. We go a little further than that in that we are also working with and trying to assist in making sure the associations can have additional staff available to work with them in assisting their members in developing the audits.

Beyond that, I suggest that there is another range of what I would call informal consultation. There are a number of specific organizations. I would perhaps mention the Ontario Waste Management Association, the Grocery Products Manufacturers of Canada, the Retail Council of Canada, the environment council of the Canadian Manufacturers' Association and of course the various boards of trade—I should not have started on the list, perhaps, because it is off the top of my head and I am sure I am leaving out some rather major ones—the Society of the Plastics Industry of Canada and the Packaging Association of Canada, with whom we have a quite constant and regular, ongoing, informal conversation process, both with the staffs of the associations as well as with representatives of their executive committees and their presidents. We try to make a real effort to make sure there is an opportunity just to think through the general process of where we are going together with these individuals.

Within this I would like to mention just one other point, which is that we have found that there is such a significant new interest over the last few years in the business community in understanding what opportunities are available for business development in the environmental sector, a number of new associations and organizations have sprung up precisely in order to assist and develop business development in these areas. They usually come to us and try to help out with the work and suggest.

I would like to mention, just as examples of this, a long-standing organization, the Canadian Association of Recycling Industries. The best known of them, in many ways, would be the Recycling Council of Ontario, which of course is not really a business association as such but it

has many business members. Another example would be the Paperboard Packaging Environmental Council, which is most concerned about the development of recycling opportunities for all of the paper sector, and perhaps the Canadian Association of Environmental Industries, which has formed an Ontario chapter, as has the Canadian Association of Recycling Industries.

These are working with us in a special relationship in the sense that it is precisely because of public concern and government initiatives in this area that the kinds of businesses in which their members are engaged have found that they have new business opportunities, so we work with them, in a sense, to try to help give some development for that.

To go beyond this, we would have to start talking specifics of what happens with plastics, what happens with tires, what happens with wood, what happens with each one of the different sectors. There we would be down to the level of what is going on with individual companies, the kinds of grants and the kinds of support for development that take place and our review process for those considerations. I think that would be into a level of detail that would be quite beyond what you would be anticipating or expecting at this point.

**Mr Wiseman:** Is there anything in this bill that would exclude the private sector from recycling and getting into the business of recycling and taking business opportunities from recycling?

**Mr Blackwell:** No.

**Mr Wiseman:** In fact, is it not true that within this bill there are enhanced opportunities for the private sector to get involved in recycling in ways that are not currently available to it?

**Mr Blackwell:** I think we could say that. There is certainly one area, which is the development—I guess the catchall phrase for it is the streamlining of the approvals process for recycling facilities, which is made possible through one of the measures in part IV of the bill. That certainly is a great relief to those who are interested in setting up recycling industries. It is something they have been asking for for some time and have been quite supportive of.

**Mr Wiseman:** With respect to that, in the Hamilton Spectator of January 27, 1992, it was reported that a Mr Horn of Resource Plastics Corp, which is North America's largest recycler of post-consumer plastics, has said, "Resource imports about 1,000 tonnes a month of discarded plastic from the United States." I will quote from the paper what he said: "Mr Horn also said Ontario's Ministry of the Environment must make recycling mandatory. 'They've tried to do it on a voluntary basis, but with all the best intentions in the world, a voluntary system won't work.'"

Here is a private sector entrepreneur who is prepared to expand his business but cannot because he cannot get enough plastics. He has also said: "Plastics have a bad image. But all plastics can be recycled. That's a fact." So here is somebody who is just waiting to go. From reading this article, this company seems ready to move ahead in

the recycling of plastics and says government regulations are necessary.

We have heard about government regulations from a number of groups, saying, "If you can regulate this, then we're ready to go with the recycling, but we're not going to do it on our own because we don't want to be caught outside the market," as it were. Are you hearing this as well or are these isolated?

**Mr Blackwell:** I believe the committee heard a similar presentation from the polystyrene recyclers. They were suggesting that one of the problems with Initiatives Paper No 1 was that in the designation of recyclables that would be required for source separation, plastics were not included.

I would like to put in a word of caution, however. When these kinds of requests come forward, one has to consider as well the full state of the infrastructure across the province; the capability and the cost for collection by municipalities. You do not just go ahead and declare something as a designated recyclable because there are one or two plants that are quite interested in having a guaranteed feed stock. That is an important factor and it certainly does stimulate private initiative in that area, but there are a number of considerations. That is why our strategy groups in each of these areas include municipalities as well as the private sector producers.

**Mr Wiseman:** I have one last question, not to Mr Blackwell but to Mr FitzPatrick; but Mrs Marland would like a supplementary, so I would be willing to allow Mrs Marland a supplementary.

**Mrs Marland:** Thank you, Mr Wiseman. The supplementary is on this matter of the availability of plastics that are recyclable, and the demand, as the example that you have just given in your letter.

Is it not interesting that—and I do not know whether Mr Blackwell is the person to comment—the city of Mississauga, which has been collecting all forms of plastic, including opaque, hard, film, everything, now has a problem with disposing of the plastic. I am just asking how it is that a municipality of 500,000 people which has been a pioneer in the collection of plastics—unfortunately, Laidlaw Waste Systems Ltd, which has been collecting it, has barns full of it and no way of disposing of it, let alone selling it, yet you have an example of somebody who is looking for it. How does that happen?

**Mr Blackwell:** I believe that example brings us down to the kinds of specifics that begin to get a little bit complicated, but they are also illustrative of some of the basic principles here.

The city of Mississauga as well as the city of Markham are the two places in Ontario that began a complete collection of all plastics with the purpose of providing these plastics to a specific company that produced one kind of product out of mixed plastic resins. That company was supported by another company which was quite interested in making sure this product was on the market so that its product, which by itself is quite difficult to recycle, could be incorporated into this end use.



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That particular style of recycling, in which one does not go for maximum source separation but rather takes quite a number of different materials and mixes them together, has a very limited capability to deal with the large number of materials. To put it rather bluntly, there are just so many park benches that can be consumed in the country and the full capability of buying such products would be completely supplied by the two cities that were supplying. This would not be extendable across the board.

What happens is that when you enter into that kind of very specific relationship, the municipality becomes quite vulnerable to the specific end use that is involved there.

There is a dispute that has taken place. I do not know if the two companies are still in court with each other, but they are in a dispute over the management of the process of the company that was set up to process and produce the substitute for the wood product they were producing, and because of that the market was not available.

At the same time, the example also illustrates the advantage of working on a broad scale, because unless there is new information that I am not aware of, I would have to disagree slightly. I do not believe Laidlaw at this time has the stockpiles. The latest information I had was that the plastics industry as a whole—

**Mrs Marland:** But my question is in relation to the example Mr Wiseman gave.

**Mr Blackwell:** I just wanted to point out, though, that it was through the support of the plastics industry as a whole that large amounts of the plastics were then being picked up, and I understand Laidlaw found offshore markets for what was left. The cost of this, however, did go up. My point is that we feel it is very important to do a broad strategy involving as many different players in the industry as possible in order to develop the markets and not hang our hats on individual companies with one product at one point and say this would be the solution.

In that regard—and again, the example of plastics is a good one because it is illustrative of this—it is important to understand that it is something that involves relationships with the government as a whole. In this sense, it is quite important that there has been a memorandum of understanding signed between the Society of the Plastics Industries of Canada and the Ministry of Industry, Trade and Technology. It is within and under the umbrella of that general memorandum of understanding for the development of the plastics industry as a whole, including training and technology, that we are able to target specifically the area of getting secondary materials in use.

**Mrs Marland:** But you did not answer the question.

**Mr Blackwell:** I am sorry, I thought I had.

**Mrs Marland:** I know what has happened in Mississauga. I was at the opening of the plant that was going to use all these plastics to make the park benches and rulers and everything else. The question was, how is it that with that problem and the ministry knowing of its existence, Mr Wiseman brings an example of a letter to this meeting today saying here is a company that is crying

out for plastic? How can that happen? They are not even 20 miles apart.

**Mr Blackwell:** Resource Plastics is not crying out for plastics which have film, high-density polyethylene, low-density polyethylene, PET all mixed together.

**Mrs Marland:** That is the company Mr Wiseman is talking about.

**Mr Blackwell:** Yes. Resource Plastics does separation of the different resins and produces plastic pellets for each of the different resin types, and that is what they then market. Some of the examples of what they import are film coming from Massachusetts, the wraps around soft drink cases and that sort of thing. Under some laws in Massachusetts, it is a requirement that they be recycled, and there is no capability outside of Brantford, Ontario, to do that specific kind of recycling in a cost-effective way.

That is quite a different supply and quite a different stock than what is being collected in Mississauga. Although I would not swear to it, I would predict that a certain percentage of the plastics collected in Mississauga are now going to Resource Plastics, but they could not take the whole stream. They would be taking the portions that are for their particular processes for particular resins. That requires sorting, and that kind of sorting was not included in the initial Mississauga program.

**The Acting Chair (Mr Beer):** Mr Wiseman, I believe you had one further question.

**Mr Wiseman:** Mr Chair, this may come as a bit of a surprise to everybody: It happens to deal with the amendment.

**The Acting Chair (Mr Beer):** I think all of this has been useful information in terms of just how the system will function, so I think it has all been helpful. I am sure this question will be equally helpful.

**Mr Wiseman:** In the tradition of legislative writing, if it is changed, would it not mean that the writing of legislation in the future would have to have a long list of those sectors, groups and references that are included from now on, as opposed to what we deem now, that silence gives consent, and omitting them in the future would mean that if they are not in the legislation they are deemed to be excluded?

**Mr FitzPatrick:** If this were viewed as a change in the provincial approach to drafting legislation, certainly.

**Mrs Marland:** I think I have a concern. I am not sure whether this bill has enough emphasis on some of the solutions when we are looking at other than landfill sites. Obviously I am going to support the amendment of Mr McClelland, because it has never been proven to me or anybody I know that anything government does, it does more expeditiously or with less cost than the private sector. Whether or not our ideology supports the private sector and private enterprise in anything, I think every one of us has to admit that government is never more efficient and therefore never less costly.

I think no matter what subject we are looking at as legislators, we should be supporting the use of private sector enterprise, if possible, because it creates and drives the

economy. It certainly is not the government that is responsible for the building and development of our country; it is the private sector. It is a well-known fact that the largest employers in Ontario in terms of numbers of jobs are small businesses. So whether that small business is in the waste management area or not, it just rates as common sense to include the option of privately owned operations to be part of the waste management opportunity in Ontario.

Although we know there are already too many areas which this Bob Rae socialist government supports going into as a totally government operation rather than the private sector, I think it would be really regrettable if this bill went through.

Interjection.

**Mrs Marland:** I am sorry Mrs Mathysen does not understand my reference to her government, but everybody else in Ontario does.

I think it would be regrettable if any section of this bill went through where it was to the exclusion of something being done by the government. It would be a total mistake. Interestingly enough, I might tell the members opposite, none of whom were in the House at the time, that I introduced a private member's bill supported by their party and, of course, by my own caucus, but not supported by the Liberal government at the time. I am sorry, but I do not think you were in the House at the time either, Mr Beer. I brought forward a private bill requiring municipalities to have mandatory recycling, not mandatory that every single property owner took part in it, but mandatory that every municipality at least offered that opportunity to its residents and generators of waste.

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I am of the opinion that recycling should be mandatory, but I also know that now we can appreciate the real end cost of recycling, that the more realistic road for a government to be working along, as far as I am concerned, is reduction. I really hope this government will work towards reducing the amount of garbage or waste generated—whatever word you want to use—by the people who live in this province, because although recycling is great—recycling is certainly 100% better than burying it or burning—it is much better not to create it in the first place.

I hope this government will bring in regulations that indicate they are committed to the reduction so we do not get into the requirement for recycling. I did not hear that, however, yesterday from the minister. I gave her an opportunity to encourage the people of this province by saying—I mean those of us who are concerned about volumes of waste in this province. I gave her an opportunity yesterday to say that she was considering increasing the percentage required for refillable containers and her answer was very clear that she was quite happy with the present percentage. They were talking about it with her staff and with industry, I think she said. I do not have Hansard in front of me, but I was hoping her answer would be, "No, we are planning to increase the percentage of required refillable containers."

When we are talking about this amendment, I think we have to leave that door open for private enterprise to help

the government solve this problem. I can assure you that any aspect or proposal brought forward by the private sector, whether dealing with landfill waste disposal sites as addressed in this amendment or other means of dealing with waste through reduction, reuse and recycling, to ignore the opportunity through private sector would be the most regressive aspect of legislation dealing with waste management this province could possibly have.

**Mr Cousens:** Having listened to Mrs Marland, she has taken the point I was going to discuss and has said it very eloquently. I would like to ask a question of the parliamentary assistant whether there is a policy within the Ministry of the Environment that has to do with the way the ministry will work with business. Is there a written policy in the Ministry of the Environment on how it will deal with business?

**Mr O'Connor:** Thank you for that question. That is something even I am curious about. I do not believe there will be anything excluding them. We have seen, through Mr Blackwell's response to some of the questions this morning, how very well they work with a number of initiatives. There is nothing excluding any industry from applying for anything through, for example, the EA process, but maybe I can ask the assistant deputy, Jim Merritt, if he could respond a little better than I could to that specific question.

**Mr Merritt:** Jim Merritt, acting assistant deputy minister for regional operations. There is no specific policy labelled for the purpose of dealing directly with the private sector, but there is a large number of policies within the ministry that talk about the ministry activities and ways of dealing with people in the province in general, and they include the private sector. There is nothing exclusionary about our activities. We are broadly based in working with the private sector and indeed the people of Ontario.

We have a number of programs to help encourage private sector activities. In addition to the items Mr Blackwell talked about, we have grant programs targeted to private sector groups specifically to help them in the business enterprises, to help them crack into new markets. We also have efforts in an advocacy sense to help the private sector get through government processes and advise them in terms of environmental questions, interest and opportunities for markets.

Indeed, the Ministry of the Environment several years ago occasionally produced a document about private sector opportunities in the area of the environment and I could try and make that available to you. I do not have a copy right now. We have expanded that effort to include other ministries in the Ontario government and I think that has now culminated in the so-called green industry initiatives being announced, more broadly based.

**Mr Cousens:** There are a number of excellent illustrations where there has been good working relationships established with the private sector. I think part of the concern I heard from other speakers on the subject this morning has to do with the need for erasing some of the concerns and doubts that others who have not had the privilege to work with the ministry have. Not everybody has the level



of confidence in the Ministry of the Environment that the parliamentary assistant or the government has.

I would like to see that out of this motion there might well be great benefit for the ministry to develop a policy statement that becomes a series of guiding principles on how the ministry will deal with the private sector. My question asked for a specific document that would then become a guideline. If such a policy was defined and then shared, it might go to some extent to relieve the concerns being raised by the motivation behind this motion we are dealing with now.

It is not the kind of thing we are in a position to have you do from opposition, but I think it is a suggestion that maybe the parliamentary assistant could consider and take forward. I believe the motion before us today is very well intended. If there is any way we can have government establish a better working relationship with business and try not to do things in exclusion to business, we will have taken a step in the right direction.

The policy initiative papers and other things that have gone on are of themselves of great worth and have to be encouraged, advanced and promoted. But as well, behind all those deeds, if there is such a clearly defined statement of intentions by the government as to how it is going to work with the private sector, it would begin to alleviate the kinds of concerns floating to the top right now.

It is going to be difficult for the New Democrats to do that kind of thing because of their own philosophy, but maybe now that they are looking at some of the intensity of the reaction people have to government initiatives, special efforts have to be taken by the government to show good faith. That kind of good faith would come—at this point, we are saying, “Let’s look at private examples where others can be involved in the development of landfill sites so that it is not just a government project”; not just symbolic gestures that talk about ways the government is going to try to work with business. Let’s take steps forward that build relationships with other sectors.

I often look at the triangle that exists. The triangle itself is a very strong symbol of working together. I see at the top of that triangle government, at one corner business and at the other corner labour, manpower, womenpower—all the people who help make it happen. What is happening now is that if we give undue attention to the top part of the triangle, which is government, without including the other areas of business and the private sector and the people who really implement things, it cannot be as good; it cannot be as successful; it cannot lead us into some of the possible successes we are capable of.

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I am one of those who do not believe government does it best of everyone. It is a philosophy. In fact, probably one of the best lines yesterday came from Margaret Marland. We were talking about it and she said, “You know, we would be doing the province a favour if we didn’t pass any laws for a while and let people just get better control of what we have in place now.” We are becoming so law-heavy. It is all government-imposed regulations, government-imposed new rules. I thought you said it, because it was a very wise approach.

**Mrs Marland:** No, it must have been somebody else.

**Mr Cousens:** Any good ideas lately have been coming from Mississauga South.

**The Acting Chair (Mr Beer):** One could suggest that wisdom from any source is worthy.

**Mr Cousens:** Even from the Chair.

**The Acting Chair (Mr Beer):** Thank you.

**Mr Cousens:** The motion before us begins to build those relationships, so I thank the honourable member for presenting it. I suspect we will have strong support from everybody in this committee for that motion when it comes to a vote shortly.

**Mr McClelland:** Mr Chairman, I put forward the amendment and the rationale for it. I am going to try and be very brief. Mr Wiseman responded and kind of walked through with counsel about the pros and cons and why he wanted to craft a rationale for why it was not advisable. With no disrespect to anybody, I am going to put my money with a lot of people. It was not me who said the private sector was not welcome here; the private sector said it. Person after person and association after association came here and said it. I will mention their names: people like Mr Jeffery, the former chairman of the Environmental Assessment Board, and Mr Rohmer. No disrespect to anybody here, but I am going to stack up his résumé against anybody’s, including yours, Mr Wiseman, in terms of trying to make an evaluation of good law. I will take his opinion over yours any day with respect to what is good law.

**Mr Wiseman:** This amendment clearly indicates that you take your marching orders from him.

**Mr McClelland:** Those people have suggested that one of the ways the private sector can get a level of assurance and some level of recognition is to begin to recognize it in the legislative format.

Mr Wiseman interjected. For the record, since it probably was not picked up, he said that I take my marching orders from him, referring to Mr Rohmer representing the private sector. None of us takes marching orders from anybody. We take their advice and counsel. On balance, I take his counsel over yours, Mr Wiseman, very clearly.

Interjections.

**The Acting Chair (Mr Beer):** Order, please. I think we have all had an opportunity to comment on this section. Mr McClelland has the floor.

**Mr McClelland:** Mr Chairman, the question—

**Mr Wiseman:** It is interesting how you insult personalities when you have no argument.

**The Acting Chair (Mr Beer):** Order, please, Mr McClelland has the floor.

**Mr McClelland:** The question was put to the parliamentary assistant whether or not there was any policy statement articulated by the ministry. The answer was forthcoming that there was not. It was suggested by Mr Cousens that maybe I would not want to develop that. We are not talking about the ministry necessarily, Mr Chairman; we are also talking about the government.

On August 24, 1990, the NDP issued a policy paper and a press release that said, "Only a publicly run system can ensure that the best interests of Ontario are maintained and protected." "Only a publicly run system can ensure." It is in that background. We are not talking about the theoretical law. We are talking about the realities of Ontario today, the realities where businesses are leaving, where they are hearing a Premier call them "bloated capitalists." Then you say you want to get into some nice argument about legislative drafting.

We are talking about the private sector that has come here over and over again and has been represented by capable people, learned people, who have said, "You've got to change the law to make it work for the private sector." They are the ones who have said it. They are the ones who are asking that this government not only pay lip service to them but recognize in reality that they have a place in this province.

You can trot out all the theoretical arguments you want about legislative drafting to try and avoid the issue. The issue is this: Do you believe in the private sector or do you not? Do you think they are bloated capitalists, as your Premier says, or do they have a role to play in the province of Ontario? They have said they want to be here. They say they want to maintain their presence in Ontario and are prepared to continue here, but they need to have a framework within which they can operate. That is the fundamental issue. We can get into a debate and we can continue this as long as Mr Wiseman wants, but the bottom line is this: You accept the reality that business is unsure—not stated by me, but stated by business.

Businesses have stated they do not feel comfortable. Private sector waste management said, "We are not comfortable here in light of statements made by the now minister that only a publicly run system is viable." The minister now has apparently changed her mind and said she is willing to compromise that and qualify it somewhat. The private sector is saying, "Give us something concrete that offsets the statements you've made"—not the policy of the ministry; the policy of the government. It is the NDP government that has set a policy statement. They are the ones who have put it on paper and released it, on August 24, 1990. What the private sector is saying is: "Give us something to offset that. Give us something that adds"—if you will—"meat to your statement that, 'Yes, you're welcome; we didn't really mean it in those harsh terms.'" That is what they are asking for. That is what this amendment begins to move towards.

As I have said, with no disrespect to anybody else in terms of his or her evaluation, I will certainly support the legal opinion of learned people who have a tremendous amount of experience and whose academic credentials are absolutely superb in terms of their evaluation of whether this is good law or not. I suggest very clearly that to try—

Interjection.

**Mr McClelland:** The record will not pick this up. Mr Wiseman is saying off the record that I am insulting legal counsel from the Ministry of the Environment. I am not insulting legal counsel.

**Mr Martin:** You are.

**Mr McClelland:** Mr Martin is also saying the same thing—that I am. I will have my exchange with legal counsel directly. They know I am not insulting them. They are much bigger than that. What I am saying is that, in terms of balance, there are people who have come with a very particular point of view whose opinion I am willing to accept.

**Mr Martin:** You have been insulting us for weeks now.

**Mr McClelland:** That is not an insult to anybody. We sometimes have differing opinions. That does not necessarily involve an insult. One of the difficulties, when you are bound ideologically, Mr Martin and Mr Wiseman, is that when people disagree, it does not necessarily mean it is a personal challenge or an insult; it is an agreement to disagree. You have to allow the latitude that people have a different opinion.

I have chosen to state on the record, Mr Chairman, that I happen to accept the opinion of others—and it is no insult intended to anybody—who feel it is good law. In light of the background of this legislation and of the economic climate, where a Premier is, as I said, calling the private sector "bloated capitalists," is it any wonder there is an element of fear?

This morning I received a call from St Catharines, Ontario, from a private sector operator. His assessment was this. It was very plain. He said, "I guess you're not getting very far with these people," referring to the government, that it really is not interested. "Only time will tell; it may even come up today," was my response to him. Time will tell, and apparently it has. The writing is very clearly on the wall as to where this government stands. It seems to me evident that they are reverting back to their position paper of August 24, 1990. Inasmuch as they will say they want to have the involvement, inasmuch as the ministry representatives will say, "We discuss with the private sector," the private sector has asked for something specific and concrete. There are a series of amendments to that effect.

The government has indicated very plainly that it is not prepared to look at them or accept them. That sends a very clear message. It is a message being sent by the members of this committee on behalf of the government of the day again saying, basically, "Sorry, we don't like the profit; we don't like the private sector."

I cannot help but look at the paper today. "Silent Revolt: Businesses Flee Ontario Without Fanfare." "Winners"—in this economic climate, in light of the NDP government—"will be those...who fall into the 'not-for-profit' style of business socialists love." You are just saying, "Yes, that's exactly what we believe," and you are underscoring that by some of the actions of this committee today by the NDP members.

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**Mr O'Connor:** As we sit here this morning it seems we are stuck at a point we cannot seem to get over—at some points it seems to be rhetoric; at some points it seems to be genuine concern. I think there is concern—and



maybe Mr Cousens put it quite eloquently—about the private sector lack of involvement. This morning we have heard, from people who have been here to advise the committee through the process, working for the ministry, that there is ample opportunity for them to be involved.

One of the fears that was talked about, too, was that people could be excluded by including just a certain number of people. I think that is a genuine concern and I think that is a reason why I will not be supporting this amendment. But the concerns about private sector involvement and the lack of this government's intention for any sort of role for the private sector in the province is, I think, nonsense. As somebody who came off an assembly line in Oshawa, I know as the economy dipped and turned there were times when cars were not selling and I was laid off. When cars started selling again, then I was recalled back to work. That is how the private sector works and that is how people working for different industries work as well.

I think we have heard an awful lot of rhetoric. I do not think we could assume anyone here would think that we would be nationalizing everything within the province that is run by the private sector today. I think that is nonsense.

We heard through some of our advisers today about how they are including people who are processors, producers, handlers and the consumers of some of the products that end up in the waste stream. Clearly a lot of them are in the private sector, so by including just the words "private sector" we could end up excluding some people in that process. So I do not think it would be appropriate, though the intent is, I am sure, quite honourable by the member, Mr McClelland, to include the private sector.

I think the intent could be quite honourable, but the fact remains that the government is not against all the private sector. So the problem we have before us, then, is that to include something like this amendment then excludes people and of course, as has been pointed out to us, would change the way all legislation is drafted. The problem when you start including people is the fact that you start excluding people.

I hope the committee can get to the point where we can continue with the clause-by-clause and vote on the amendment. We have heard concerns from both sides. We have heard a considerable amount of rhetoric. Anyone who is still watching us probably tuned out some time ago because we have heard a lot of speeches that did not mean anything. They are probably concerned about listening to the clause-by-clause portion of it and seeing the changes and amendments as they do come forward and how they are presented, how they are voted for and what not. I would just close with that and hope we can proceed a little more quickly.

**Mr Cousens:** I move the question.

**The Acting Chair (Mr Beer):** I have Mr Wiseman and Mrs Mathysen to speak. I am mindful of the hour and the time we have spent on this section. If I could, I ask honourable members to be brief, but I would like to get to the vote. We will have Mr Wiseman and Mrs Mathysen.

**Mr Wiseman:** I would just like to speak for a moment to the history of where I came from in terms of the questioning about the addition of the language in this amendment. Mr Rohmer made his presentation in Kingston. On the plane from Kingston to Sarnia I had the same discussion with Mr FitzPatrick that I had here. It was because of my concern about the use of language in legislation and about what he was saying in terms of the private sector, because I had had other conversations with representatives from the private sector about their role within the context of this legislation.

I would say that there was, to a certain extent, a certain amount of misconception on their part about the legislation itself. They felt that if they were not specifically included they were excluded. I tried to explain to them that my understanding of the law and the writing of legislation was what we went through this morning, so I will not go through it again. But I was concerned about that, and to say that I was not is not fair, because the honourable member is not privy to conversations that I have had.

**Mr Cousens:** No one can tell whether you are concerned or not.

**Mr Wiseman:** So through the discussions it was my understanding of law—

**Mr Cousens:** I just want to make it clear that it is not good for us to say whether he is concerned or not. I think that is true, because we cannot tell.

**The Acting Chair (Mr Beer):** Order, please. Mr Wiseman has the floor.

**Mr Wiseman:** Because the legislation does not exclude the private sector and because section 4 of this legislation, when we get to the recycling, opens up large numbers of opportunities for entrepreneurs to get involved—and many have contacted my office since these hearings began. They have ideas for new machinery, the production of equipment for recycling, the opportunities to open plants, the opportunities to hire people—and they are waiting. Some people are actually waiting for this legislation to be passed so they can get their business opportunities off the ground and get moving, because the process for certificate of approval on recycling plants right now is too long and too onerous. They are looking forward to having an expedited process through the regulations which will allow them to get on with manufacturing.

We have had long conversations on the phone about this, and I have done whatever I can to encourage them into moving along. I would just like to reiterate that the private sector is not excluded by this legislation but I do have fears about changing the tradition and the direction of legislative writing that this would imply.

**Mrs Mathysen:** Just one last point: The minister has already said there is room for the private sector in waste management, and this government has made it very clear that we support a mixed economy. In light of Mr McClelland's assertion that he respects legal counsel's opinion that this amendment would create unnecessary and difficult problems, I must say that I am very sceptical about this motion and the motives behind it and the motives

of those who support it. I would say, let's get on with it. Let's vote on this one.

**The Acting Chair (Mr Beer):** Shall the Liberal motion on subclauses 14(1)(a)(iii) and (b)(iii) carry? Those in favour? Those opposed?

**Mr Cousens:** A recorded vote on that, Mr Chairman.

**Mr McClelland:** Mr Chairman, I imagine you are going to let the comment about motives just pass. I will leave that up to your discretion. I draw it to your attention and leave it in your hands, Mr Chairman.

**The Acting Chair (Mr Beer):** Thank you. I recognize that at times honourable members suggest meaning from what is said. I would just remind everyone that we do not question anyone's motives in the committee or in the Legislature. I am sure no one means to do that.

**Mr McClelland:** Mr Chairman, could you ask Mrs Mathyssen to withdraw those words?

**The Acting Chair (Mr Beer):** Mrs Mathyssen, Mr McClelland has asked if you could phrase your comments with respect to his motives in a different way. Do you have any comments?

**Mrs Mathyssen:** That I am sceptical? That I am not sceptical? How would you like me to phrase it, Mr McClelland?

**The Acting Chair (Mr Beer):** I think the question is just in terms of the way in which one tries to express another member's motives.

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**Mrs Mathyssen:** Oh, I see. I appreciate very much that Mr McClelland appreciates the expertise of our legal counsel, and perhaps we should leave it at that.

**The Acting Chair (Mr Beer):** Under the procedures of the House and committees, when an honourable member is asked to withdraw it is normally the tradition.

**Mrs Mathyssen:** Mr Chair, I withdraw the word "sceptical." Would that be sufficient?

**The Acting Chair (Mr Beer):** If you could phrase it in terms of just withdrawing. Imputing any motive to the honourable member would, I believe—

**Mrs Mathyssen:** I certainly would not impute any motive to honourable members.

**Mr Wiseman:** None of us would.

**The Acting Chair (Mr Beer):** There is a request for a recorded vote on the Liberal motion.

The committee divided on Mr McClelland's motion, which was negatived on the following vote:

#### Ayes—5

Cousens, Marland, McClelland, Ramsay, Sola.

#### Nays—6

Lessard, Martin, Mathyssen, O'Connor, Ward, B., Wiseman.

**The Acting Chair (Mr Beer):** We move on to the next motion, which is a Liberal motion. Mr McClelland, do you wish to move this next amendment?

Mr McClelland moves that clause 14(2)(a) of the Bill be amended by striking out "transportation of waste" in the fourth line and substituting "transportation of waste, other than products and material derived from recycling."

**The Acting Chair (Mr Beer):** Do you wish to comment on that amendment?

**Mr McClelland:** It is basically to clarify a position, and we may get into the same kind of argument of whether it creates more problems that it solves. The point is that I think we need some clarification in terms of a stated position—I am sure the parliamentary assistant will correct me if I am wrong—that there is to be a distinction between what is considered waste and product derived from recycling. There has been some concern that waste, being a relatively generic term and lacking definition, may inadvertently prohibit the transportation of products that are derived from waste. Accordingly, this amendment tries to put handles on the definition. I suppose that at the end of the day we are talking about the prohibition of transporting only the product that ends up being landfilled. Inasmuch as the scheme of the legislation says that the solution will be a landfill, a product that does not end up in a landfill, it would seem to follow, then would be free to move across municipal boundaries.

The motion is an attempt to clarify that. Perhaps the parliamentary assistant could render some assistance in terms of the position of the government and also whether the motion is useful or otherwise in making that clear, making the distinction between the end waste product, if you will, ie, that material that is being landfilled, and the other product that could have some use in the latitude the government will afford the transportation of product that will not end up in a landfill and how that will be defined and worked through, with the definitions, in the implementation of the policy contained in clause 14(2)(a). Perhaps the parliamentary assistant could help us with that.

**Mr O'Connor:** We have a government motion to follow that is very similar to the Liberal motion. It addresses the concern you have raised and some of the issues you talked about, but I feel the government response is perhaps a little more suited to the purpose of the task that it is to undertake.

**Mr McClelland:** On what section?

**Mr O'Connor:** The same one, clause 14(2)(a). Our motion will follow your motion.

**Mr McClelland:** I apologize to members of the committee. I did not have that in my package.

**Mr O'Connor:** The intention behind your motion was well taken. Our amendment was actually crafted very similarly. I would prefer that the government motion go forward, and I appreciate the work.

**The Acting Chair (Mr Beer):** There may have been a mixup but there were several amendments circulated yesterday and inadvertently you did not receive it. Do you have a copy of it now?

**Mr McClelland:** For the record, I did not receive any of the amendments circulated yesterday.



**The Acting Chair (Mr Beer):** Now that you have the government amendment in front of you, do you wish to withdraw your amendment and we go on to consider the government's?

**Mr McClelland:** Just bear with me for a moment. That is fine.

**The Acting Chair (Mr Beer):** So you would withdraw your amendment.

**Mr McClelland:** Yes, Mr Chairman.

**The Acting Chair (Mr Beer):** Then we would move to the government amendment on clause 14(2)(a).

Mr O'Connor moves that clause 14(2)(a) of the bill be amended by adding at the end of the fifth line "for disposal."

Do you wish to comment on that?

**Mr O'Connor:** As Mr McClelland mentioned earlier in discussion, it is for the same purpose as his amendment was.

**Mr Martin:** I would like to speak in support of this motion and to recognize that its intent is in fact very similar to the motion that was proposed by the Liberals. I think that signifies that certainly on some issues re this legislation we are in accord. I think it also indicates this government is trying to find ways to respond constructively and positively to some of the discussion we have had over the last four weeks as we crossed the province with this important piece.

I would like to couch my comments, though, in response to some of the criticism that has been coming at us from across the floor for the last few days, to which I have not responded but which I have listened to intently and have been somewhat distraught by. It seems to me the folks across the way are, at a time when it is most inappropriate, trying to drive a wedge between government and the private sector working cooperatively to renew the economy of this province. I think the record clearly indicates it is in fact the case that the government is very interested in working cooperatively with the private sector and trying to bring the private sector together with its workers in a more positive way.

I think one only has to look as far as the deal that was cut re the de Havilland situation in southern Ontario, the work that was done on behalf of the people of Sault Ste Marie re the Algoma Steel challenge that faces us up there, and actually the very interesting development around the difficulty the Reichmann family is having in this province at a moment when the Ontario government has stepped in and said: "We'll assist in whatever way we can. We're interested in having you stay healthy and well, because certainly Ontario is interested in its private sector."

It is with that in mind, and certainly the Bob Rae democratic socialist government's intention to move the economy of this province forward in a very difficult global recessionary time, and it will be done in ever more creative ways and certainly in more courageous ways than I think previous governments have found the will to do.

In northern Ontario we are very interested in new industrial development and taking advantage of any opportu-

nity that might make itself possible as our world becomes more and more concerned with the environment and how we manage our waste.

1150

This piece of legislation will certainly put those of us who live and work in northern Ontario in a stronger position and more in control for a change, actually, to have some ownership around how this question of waste management and the evolution of a portion of the recycling in most of the industries we do might benefit us in a more positive and greater way.

Historically we in the north have not been dealt with in the most positive of ways regarding the resource that we are and the resources we have in that part of this province. There has been a history of the private sector seeing what we have, coming in and high-grading it, and then leaving those of us who have been attracted to the work opportunity up there wondering what we might do through this bust-boom cycle of many of the one-industry towns that now exist in that part of the province.

We feel this legislation and the pressure that will be put upon those of us who produce waste to manage it in a more intelligent way will provide us with a greater opportunity to have industry that is in fact sustainable, productive and sensitive to the environmental impact than simply shipping garbage north and putting it in some of the big holes that have been left by previous efforts to develop northern Ontario. We no longer will be satisfied with the remnant of big holes and piles of dirt. We want good jobs for our friends and neighbours and our families and we want them developed in a way that gives us as much control and ownership of that industry as is possible, certainly in partnership with government, with the private sector and with those who will work directly in those enterprises.

This amendment to the legislation we have in front of us I hope will clarify for everybody—certainly there were lots of questions, particularly when we were in Kirkland Lake, about just what we could and could not transport in the interests of industrial development and the evolution of the way we will manage waste. Yesterday the minister was here and spoke of this piece of legislation as simply being a start in the evolution of how we will manage waste in Ontario and how industry will benefit from a more intelligent approach to the management of waste.

This amendment to the legislation should make all those, in northern Ontario particularly, who are somewhat nervous about the possibility of all products being stopped from coming north as we look at ways of perhaps enhancing the stock of recycling material we have so that the industry we develop would have a more positive chance to be viable, less anxious and less concerned. With this amendment we certainly indicate that any materials that would have benefits re industrial development in the north, as we look at the whole question of recycling our waste and managing our waste in a more intelligent way, will go a long way to making sure this in fact happens.

I will be supporting this amendment because I have had some good and I think meaningful discussion with the ministry and with my colleagues about it and feel that this will in very significant ways clarify a lot of the

questions my colleagues and my friends and neighbours in the north have around this legislation and how it might impact their ability to take advantage of those opportunities.

**The Acting Chair (Mr Beer):** Thank you. Mrs Marland.

**Mrs Marland:** I certainly welcome Mr Martin to the debate. Did somebody jump in and change your batteries? It is great that—

**Mr Martin:** Excuse me, Mr Chair. It is interesting to note that it seems whenever the opposition starts into a discussion they cannot help but take the opportunity to continue to insult and to bait us. I want you to know that it is really not appreciated.

**The Acting Chair (Mr Beer):** Mrs Marland has the floor. I would just make the observation to honourable members that we are debating a government motion and perhaps we could keep our comments related to that motion.

**Mrs Marland:** Yes, Mr Chairman, I will keep my comments to the motion. It is interesting, however, to hear members speaking. I think it is great that it is Thursday and Mr Martin has finally gotten into this discussion this week, because whether he likes it or not, in the real world of being an elected member in this House, debate is what it is about. If any member does not like the debate, then I guess he or she is not in the right job. The fact is that these amendments are before us for discussion and debate. If the member for Sault Ste Marie has concern because we react to the statements made by the Bob Rae socialists, be it as it is, that is something that is not within anyone's purview to control.

I was encouraged, however, in hearing the member for the Sault refer to his government as being a democratic socialist government. I thought, boy, at least we are half-way down the path, because certainly I have been referring to them all week as the Bob Rae socialists, and now they at least recognize they are a socialist government. I think it is great to recognize that there are three socialist governments left in the world and one of their own members here in Ontario has now acknowledged that in fact that is what they are.

In this particular amendment, Mr Chairman, the member talked about the fact that there is a concern by all of us in opposition about what is happening to the province, and he is saying that the government is driving its own wedge. I would suggest they are well past the wedge and it is the whole mallet that now is being driven into the breakdown of the economy of this province. Certainly, if he wants to look at the policies of the government, he can only look—

**Mr Martin:** Mr Chairman, might I clarify my comments, in light of how they are being twisted?

**The Acting Chair (Mr Beer):** Excuse me, Mrs Marland. Mr Martin, you are quite able to speak later, after she has concluded her remarks, and I can put you down on the list. Apart from a valid point of order, Mrs Marland has the floor.

**Mr Martin:** I just wanted to say that the wedge was not being put by us, but by the opposition.

**The Acting Chair (Mr Beer):** That is not a point of order or a point of anything.

**Mrs Marland:** What everybody in this province knows is that this socialist government in Ontario today is not doing anything to help the economic recession we are in. Everyone understands the priorities of this government. Everyone will see it in the throne speech a week from now. They will understand what labour law reforms mean to the economy of this province. In fact, the labour law reforms themselves may impact on the execution of this bill, and in particular this amendment.

If we are talking about what their government has done for this province, we will not have to worry about whether the people of Ontario understand what their government has done to this province, because the people of Ontario understand very clearly.

I want to say that I do support the government motion. It is a motion that clarifies clause 14(2)(a).

To Mr FitzPatrick or Mr Jackson: Yesterday I asked whether the word "incineration" would have clarifications in the regulations. I wondered if you would give the answer that you gave me yesterday when we had adjourned about how the word "incineration" was going to be addressed in the regulations.

1200

**Mr FitzPatrick:** The Minister of the Environment some time ago announced that the incineration of municipal solid waste would no longer be allowed in the province. Since that time instructions have been given to staff to flesh out that policy, work out a number of details, to ultimately implement it by giving it the force of law in regulation. That is being done. It is expected the regulation will go forward fairly shortly, and the instructions to date include that there will be a prohibition against the burning of fuel derived from municipal solid waste, with some exceptions such as clean wood.

**Mrs Marland:** Thank you for that clarification.

**The Acting Chair (Mr Beer):** It is 12 o'clock. If you just have a couple of things you want to finish up, we could do that, or we could wait and come back at 2, or we could move this motion. Do you have some other things you wish to add at this point?

**Mrs Marland:** No. I am quite happy to support the government motion with the understanding that Mr FitzPatrick has just clarified that refuse-derived fuel from municipal solid waste is included when this section refers to incineration, and that is so.

**Mr FitzPatrick:** By the time this section of the bill is relevant to anyone, it is expected that the regulation I described will be in place.

**Mrs Marland:** Will it apply to any applications that are currently before the ministry?

**Mr FitzPatrick:** It will apply from the time that it is made, which is expected to be fairly soon.

**Mrs Marland:** When it is proclaimed, does it deal with any applications that are before the ministry now?

**Mr FitzPatrick:** It will apply to any applications that have not already been dealt with by that time.



**Mrs Marland:** Dealt with in what way?

**Mr FitzPatrick:** In terms of issuing approvals.

**Mrs Marland:** In giving a certificate of approval?

**Mr FitzPatrick:** That is correct.

**Mrs Marland:** If they have not received a certificate of approval, they would be under the proclamation of this bill.

**Mr FitzPatrick:** Under the new regulation, that is correct.

**The Acting Chair (Mr Beer):** I would like to put the government motion.

The committee divided on Mr O'Connor's motion, which was agreed to on the following vote:

**Ayes—8**

Cousens, Lessard, Marland, Martin, Mathysen, O'Connor, Ward B., Wiseman.

**Nays—3**

McClelland, Ramsay, Sola.

**The Acting Chair (Mr Beer):** Before we adjourn, I note that we will be coming back at 2 o'clock. At 4 o'clock we will begin to vote on all those clauses and sections of the bill that we will not have debated by that point. We still have a lot of work to do and we will see everyone back here at 2 o'clock.

The committee recessed at 1205.

## AFTERNOON SITTING

The committee resumed at 1403.

**The Acting Chair (Mr Beer):** Good afternoon. We are back and ready to complete the bill, as authorized by the House. When we finished before the lunch break we had just passed clause 14(2)(a). The next motion relates to subsection 14(3). So before asking Mr McClelland to put that, shall clause 14(2)(b) carry? All in favour? Carried.

Now we move on to subsection 14(3). Mr McClelland, there are two. I am wondering which of the two motions there you would like to move. Possibly the second one?

**Mr McClelland:** We will start with the second one.

**The Acting Chair (Mr Beer):** Mr McClelland moves that subsection 14(3) of the bill be struck out and the following substituted:

"Deemed compliance

"(3) An environmental assessment which complies with this section shall be deemed to comply with subsection 5(3) of the Environmental Assessment Act in respect of the matters referred to in this section if a notice is published in a newspaper of general circulation in the area where the landfill waste disposal site is located stating that the environmental assessment has been completed but that the assessment does not comply with subsection 5(3) of the Environmental Assessment Act."

**Mr McClelland:** What we have here is really an absurdity on its face. The legislation says we will have deemed compliance with subsection 5(3) of the Environmental Assessment Act. The very substance of the Environmental Assessment Act is to maintain its integrity and to follow through the process, and to say that you have deemed compliance with the process is on the face of it quite absurd. So what we are saying is, if you are going to say it is deemed compliance, then let people know that is what it is; it does not in fact comply. The very necessity of putting this language in the act is saying that it does not comply and there has been no attempt to comply with subsection 5(3) of the Environmental Assessment Act, so the government says, "Well, we'll deem it to have happened."

I know what is going to happen with this amendment. The government is going to defeat it, and so be it. But the reality is that they are saying, "We're going to put on our little veneer of complying with the Environmental Assessment Act," when in fact there is no compliance. "We'll just say we complied," and that somehow makes it all right. "Even though we haven't done it, we'll pretend that we've done it." What we are saying in our amendment is, let's be realistic about it. If you are going to say that you have deemed to do it, also say that the reality is that you have not done it.

**The Acting Chair (Mr Beer):** Shall the Liberal motion, subsection 14(3), carry? Those in favour? Opposed?

Motion negatived.

**The Acting Chair (Mr Beer):** Shall section 14, as amended, carry? All in favour? Opposed?

Section 14, as amended, agreed to.

Section 15:

**The Acting Chair (Mr Beer):** We will move on, then, to section 15. I have a Liberal motion.

Mr McClelland moves that subsection 15(1) of the bill be struck out and the following substituted:

"Policies

"(1) The Minister of the Environment may, after consulting with representatives of the public and private sectors, establish policies for the purposes of this part."

**Mr McClelland:** This amendment takes the stated section in the act which says the Minister of the Environment may establish policies by putting on a legislative requirement that policies established by the ministry, particularly with respect to waste management and landfills and so on, have a component of public and private sector consultation. You will note that we have included both elements in the consultative process that we seek to have legislatively prescribed.

I think the reasons have become abundantly clear. We are absolutely convinced more and more on this side of the table, particularly in light of much of the discussion this morning, that the government, notwithstanding its lipservice to the involvement of a variety of interest groups, in fact does not deliver the goods. We heard so many people come before this committee throughout the course of hearings who said they were not consulted. We even had the absurd situation where people sat at this table and said, "Nobody talked to us about Bill 143," and then government members would say: "Yes, we did talk to you. Trust us, we talked to you." The people would sit there again and say, "But you didn't talk to us," and the government said, "You must be wrong because we think we talked to you, so we must have talked to you." It is a sad day when we have to try to legislatively address the fact that consultation is in fact an honest exchange of ideas, that it is a matter of not just hearing with your ears but of listening and giving people access.

We have heard, as we travelled to places like Kirkland Lake, and Mr Cousens brought this up yesterday, of select people and select interest groups having an opportunity to consult with the minister. In particular, groups that were pro-government in their position were invited and brought down to Toronto by the minister to "consult with the minister." But if duly elected members of council and others wanted to have the same audience and be afforded the same opportunity and courtesy, that opportunity was not afforded them.

We have brought forward this motion not only to hopefully encourage the government but also to require the current government to consult with public and private sectors. Again, it stresses the fact that there is a broader world out there, and we are not sure, quite frankly, based on what we heard around this table from the countless deputants who came before us and said that they had no real hearing of any kind—we heard that with respect to the drafting of the legislation itself, major players, municipalities, did not even find out about it until after the fact, so accordingly we have moved this amendment to subsection 15(1).



1410

**Mr Cousens:** An example of where this government has completely gone astray has to do with the labour legislation in which we are having—

**Mr Wiseman:** That would be out of order.

**Mr Cousens:** It is proof of the point. You can call order, and I will pause while the chairman rules on it.

**The Acting Chair (Mr Beer):** Go on.

**Mr Cousens:** The situation we are having in another ministry gives cause for this kind of motion in this ministry. By prefacing my remarks with that, I would like to just comment briefly on the proposed labour reform legislation the Ontario social democrat government is going to be bringing in.

**The Acting Chair (Mr Beer):** I am assuming that any remarks you make on any particular policy will be linked and that you will demonstrate the link to the motion for discussion.

**Mr Cousens:** Have confidence in me, Charles. The fact is I want to rub some salt in the wounds of the New Democrats who to this point in time have demonstrated no consideration for publics other than groups they want to listen to. I want to listen to everybody when I make a decision. There are all kinds of people who have important things to contribute to a good decision-making process.

What I want to do is make sure that the government is going to listen to more than just preferred, favoured groups that it might want to listen to. That has to do with the way in which the Ministry of Labour has already demonstrated its inability to talk to business. By the way, maybe this is the first time that people who are watching this program on a Thursday afternoon have heard it, but on April 6 when the Ontario Legislature resumes with a speech from the throne, Mr Bob Rae's government will be making significant announcements that take it forward in labour reform legislation. In a leaked cabinet document that we have been reviewing for the last couple of days, the number one item on the agenda for the New Democratic government is the labour legislation.

It is an example of where a government has not listened to business. It has gone ahead and it has listened to one group in the triangle. They have listened to them and they are responding to them, and yet they are not acting in the overall best interests of everyone in Ontario. What I want to do is criticize a government that is only going to listen to preferred groups.

**Mrs Marland:** Do you want to see the leaked document?

**Mr Cousens:** Well, maybe we should. I do not have mine with me. Do you have yours?

**Mrs Marland:** It is next to my heart.

**Mr Cousens:** It is next to your heart?

**The Acting Chair (Mr Beer):** Order, please. Mr Cousens, perhaps you could please continue with your discussion of this motion. If honourable members would ignore other comments, then we could continue to be focused on the motion on subsection 15(1).

**Mr Cousens:** This motion will require the Ministry of the Environment, especially the Minister of the Environment, to consult with the public and private sectors. That has not happened in the instance of the labour reform legislation that is going to come before the House on April 6 or shortly thereafter. There has not been dialogue between business and this government on that bill. If there was some way in which we could force the New Democrats to listen to more than just labour on this issue—I want to listen to labour, but not just labour. I want to be able to listen to the combined resources of all the people who have something to say and then come to a decision. But when some 60 or more recommendations on labour reform have not been reviewed with business people—

**Mr Wiseman:** Forty consultations around the province.

**Mr Cousens:** I venture to say, from the comments we have coming out of your cabinet, you are not going to make any changes of any significance to the labour reform legislation. So you can consult all you want, Jim. You guys, you can consult all you want, but if you are not—

Interjections.

**The Acting Chair (Mr Beer):** Order, please. Mr Cousens, perhaps you could link your comments directly to the motion.

**Mr Cousens:** It takes a while to do it, Mr Chairman, and I appreciate your patience.

What you really want to do is in some way force the dippers to listen to someone other than dippers. If they would listen to people who have other views, then our province would be much further advanced. The best interests of the province would be advanced. If the Minister of the Environment has the same kind of locked-in, closed view as the Ministry of Labour in her future dealings, which has been demonstrated by previous dealings in the preparation of this bill, then why not have a motion brought before us that is going to require the minister to publicly consult with the private sector and listen to other people?

If the government members on this committee believe in consultation, they will come along and support this motion. If they do not believe in consultation and listening and working with groups that may not agree with them fully, they will vote this motion down. By virtue of the comments that have been made, I have little doubt the New Democratic members will vote it down, but I cannot understand why. If they believe in consultation and open government, then they would come forward and say this kind of friendly amendment is going to make it possible for the government to do things better than it is otherwise going to do. Otherwise, you are just talking to yourselves.

You cannot run a government and listen only to your own views. Get out there and hear what the world is trying to say, what the world is trying to tell you. The world I am talking to is increasingly incensed at the New Democratic government's failure to listen to the real people. You are failing to listen to the real grass roots out in Ontario. So I sound like a broken record.

**Mrs Mathysen:** Yes. I am glad you acknowledge that.

**Mr Cousens:** Mrs Mathysen, I understand how you probably feel about it, but what we are seeing is the breakdown of a province that I love and believe in, because it is a government that does not listen, does not communicate. If you were able to listen and you were able to consult and you were to do it with more than just yourselves, then we would begin to see some progress.

What I am concerned with is the labour law. The labour law, and we are discussing it today, is the arch example of a government that has not listened, does not listen, will not listen, is not about to listen. They are going to bring forward changes in the labour law of Ontario that will set us back. All you have to do is start talking to the Canadian Manufacturers' Association, start talking to business people. I have had a group of developers in this week and they were talking about it. There is no one who runs a business who is not concerned with this government, because this government is driving business out of Ontario. They have failed to listen.

**Mr B. Ward:** Mr Chairman, on a point of order: For the benefit of the viewing public, could you say what amendment we are talking about?

**The Acting Chair (Mr Beer):** We are discussing the Liberal motion, the amendment to subsection 15(1). Mr Cousens has the floor.

**Mr Cousens:** I think the honourable member asks a good question, because it asks for the Minister of the Environment, "after consulting with representatives of the public and private sectors, establish policies for the purposes of this part." I see that as a good amendment when you have a minister who has proven to this point in time that she is not listening.

1420

This government is taking Ontario on the road to disaster and into a decline. We are in a recession already, but that recession is a steep slope. We are falling into something that unless we stop it, arrest it through good policies, good action, good dialogue and good working together with everyone who is out there in business, we are not going to get out of it. Part of the secret to that is, as an example, the reform of the labour laws of Ontario.

If your government continues with its approach to labour reform, having decided to do so without meaningful consultation—Mr Wiseman will be able to go back to his constituency and say, "Yes, we had some 40 meetings on it," but if the changes to the reform are only in the interests of unions and advancing the cause of labour, without balancing off the needs of business and the needs of running a company, then you are going to turn off the tap of investment for people who would otherwise invest in Ontario, and that is an example of no consultation. They call it consultation, but it is not the kind of consultation that is being called for in this amendment. We want to start forcing the government, to have some way within each law where it will be compelled to consult. That is really the main reason for this.

I have a sense that this motion would not be brought forward at all if we were not having the problems with the Ministry of Labour or we had not seen the problems with this minister. There are numerous examples of groups that have talked with us over the last four weeks of public hearings, because they could not get to the minister and the minister would not respond to their calls.

I happened to know Ruth Grier both before she became a minister and afterwards. Before she was a minister, she was a very accessible person. Now that she is there, she seems to have walls of people who protect her from the real world. What we want to do is break down some of those walls so she can get out there and see what is really going on. She has to listen and we have to force that kind of consultation.

I have made my point. The real point I want to make is to tell people, "If you think this one is bad, get ready for what is coming under labour reform." We have not been able to change the laws with Bill 143, and I venture to say, with that leaked cabinet document, what is going to come forward with the new labour reform is going to be even worse in what it does to business, prosperity and the economy of Ontario. We are in for deep trouble because we are stuck with the government and we cannot do a thing about it. We cannot change their minds in committee. They have not listened to the delegations that have come in and I know they have not listened to me. So there we go back to you, Mr Chairman.

**Mr Wiseman:** I think these comments with regard to this section of the bill and the accusations being made against the minister are completely unfounded given that the minister, in the height of a very bad snowstorm, actually showed up at a meeting that was cancelled by the local council in Mississauga. She spoke to a number of residents who had come to that meeting, was very accessible to them and then returned the next evening when the meeting was rescheduled to meet with them over the concerns about Britannia. That to me is an accessible minister, somebody who is concerned about the issue and about meeting with people and talking to them.

In the example we had in north Pickering, when it was P1, we could not get the Minister of the Environment to come to north Pickering or to Pickering anywhere to speak about P1, when they did the deals behind closed doors. We could not get anybody from the previous Tory administration, in the early 1970s, to come to Pickering and explain why it expropriated 23,000 acres of land.

I think it is a patently unfair accusation to be making against the minister, who has gone out of her way to be available to people and has gone to these areas and spoken directly to people who are concerned about these issues.

I think to give the idea that 40 consultations on the Ontario Labour Relations Act is not consultation because we have decided to go ahead with the bill when they said, "Don't do anything," is also an unacceptable approach.

You can talk, you can listen to people and you can have a difference of opinion, and that difference of opinion may result in your going down a different road. To say that you did not consult or did not listen because you are not doing what they are telling you to do is something that is completely



absurd. If that was the case, why did the federal Tories continue with the GST, which has the most unacceptable rating in the history of this country? His party has continued with it and he is still a member of that party, so I presume he still supports it.

Then they go ahead with the North American free trade deal while there is a lot of opposition from people about that deal. There are a lot of people who want to be consulted, a lot of people who want to be included in the process, but it has been kept secret. The only way they can find out is through some working documents that have been leaked over the last little while or asking a Mexican senator who freely sent it up here and obviously is including his population in the debate. The federal Tories continue to keep the Canadian people in the dark, making nonsensical statements about only 1% of the economy being affected, when that is complete nonsense given that the economies of comparative advantage would give the Mexicans advantages at 59 cents to \$1 an hour in working wage. So I ask anybody out there, who in this country would want to compete with the Mexicans at \$1 an hour? That is what they are putting this country in competition with.

The other thing is that it is just absolutely absurd for that member to go on like this about not consulting with business and not talking to them about it. I am going to ask if the waste reduction office will give us a list of the grants and the consultations of this government with respect to the waste management and recycling that is taking place in this province.

**The Acting Chair (Mr Beer):** The question is that you want a list of the grants?

**Mr Wiseman:** I would like him to put on the record now the people he has talked to, the people who have come into his office, and the money they have received in terms of grants from this government.

**The Acting Chair (Mr Beer):** And that is directed to?

**Mr Wiseman:** Mr Blackwell or whomever might have that information.

**The Acting Chair (Mr Beer):** Is that information available, Mr Blackwell?

**Mr Blackwell:** I could not recite a list. There is funding through the industrial waste diversion fund to the amount of \$16 million a year. There is money that goes through the technologies fund and the research fund, which are not necessarily for waste management, but a portion of that money is also used for waste management. There is another amount of direct grants for specific experimental or high-priority projects in the neighbourhood of \$5 million a year. So I think we are talking about a total of somewhere slightly over \$20 million a year that is given out in grants to private industry for activities in the waste management area.

**Mr Wiseman:** What is it again? Is it \$25 million?

**Mr Blackwell:** I believe it will be somewhat less than \$25 million.

**Mr Wiseman:** Now this government is accused of not listening when one of the largest net holders, Olympia and

York, which has a \$20-billion deficit—that is the private sector—which is half of the revenue income of the province of Ontario and half of the accumulated debt, has come to the province to ask for welfare and handouts and said that we are not listening.

This is really a patently absurd direction the member for Markham has taken, to say we do not listen to business. Businesses on the one hand come to us and say, "Give us free enterprise, a free economy. Don't regulate us. Don't do anything, just let us go," and then on the other hand when they have accumulated a \$20-billion deficit, they come and say, "Help us out." I think it is time for somebody to think about fairness.

The other side of the coin is when I get documents from the business community on the Ontario Labour Relations Act. I had one from a company and I read it yesterday. I will not use their name, but they listed seven factors which they said were the reason some of their clients were going out of business or losing jobs. Five of them have everything to do with the federal government: the GST, free trade, the high dollar, high interest rates and the banks that are prematurely foreclosing and using the Bankruptcy Act to put solvent, good companies into bankruptcy and receivership.

I have people in my riding who come to me and say they have been in business for years and years and a bank is saying, "We're going to cut off your line of credit," and put them into receivership. It is through the Ministry of Industry, Technology and Trade, through its assistance, through the economic development councils and through the venture loans and through the new venture loans that these companies are being bailed out, while he sits here in his sanctimonious way saying that his federal government is doing such a great job in this country. It has not done anything about changing the bankruptcy laws or changing any kind of laws or giving a break to the small businessmen.

1430

**Mr Cousins:** On a point of order, Mr Chair: Just to slow the little fellow down, I have not said a thing about the federal government, I am a provincial member and in my discussions I have not involved the federal government at all.

**The Acting Chair (Mr Beer):** Order. That is not a point of order. Perhaps I could just state to honourable members that the Chair has recognized that in the amendment that is proposed there is a question about consulting with representatives of both the public and private sectors. I have allowed for some leeway. Perhaps I have allowed a little bit too much. While we have been able to comment on a variety of policies, the issue before us relates to this bill and to the Minister of the Environment. Perhaps all members could focus a little.

**Mr Wiseman:** I will tie these together for you, Mr Chair, if you would really like. The accessibility of this government to corporations like de Havilland—de Havilland is a very important company in this province. Way beyond the number of workers who work at de Havilland, you have almost 40,000 jobs attached to de Havilland in terms of suppliers and research and development that

would have been lost if de Havilland had been lost. To say that we were not a major player with Bombardier in saving de Havilland I think is complete nonsense. To say that we are not prepared to work with the private sector, as we have done in Kapuskasing, as we have done in Algoma and as we have done in other jurisdictions to give grants to General Electric on recycling in terms of energy-efficient production of lightbulbs and create jobs—

**Mr Cousens:** You gave money to General Electric for a plant it was already going to build, so there is another example of throwing money away.

**The Acting Chair (Mr Beer):** Order, please. Mr Wiseman has the floor. Mr Cousens, please, you will have an opportunity to speak. Mr Wiseman has the floor.

**Mr Wiseman:** To say that we have not been sensitive to business needs I think is a most unfounded comment. The particular reference to the Minister of the Environment is totally unfair. It is totally inaccurate and unfair given the courage she has shown in going to Mississauga—

Interjection.

**The Acting Chair (Mr Beer):** Mr Cousens, please. Mr Cousens, I would ask you to allow Mr Wiseman to finish his remarks. He has the floor.

**Mr Wiseman:** To go to Mississauga in the height of a snowstorm and speak to the residents who showed up there and to show great care and concern for their attitudes—far more, I might add, than the honourable member and the opposition showed in Kirkland Lake to the people who came before this committee to speak against the Kirkland Lake proposal, when they were out at a demonstration, making speeches without listening to the other side of the debate.

I think that for them to sit here and accuse the minister of not listening is unacceptable, because we heard many very good presentations from the people who opposed the Kirkland Lake proposal and there were only seven of us sitting there, the Chair and six New Democrats, to listen to those people—no, eight; Mr Sola was there as well; I remember that.

**Mrs Mathysen:** He was the Chair.

**Mr Wiseman:** No, Elinor was the Chair.

**Mrs Mathysen:** She went out.

**The Acting Chair (Mr Beer):** Please continue.

**Mr Wiseman:** There were no Tories there, and Mr Sola was there. I apologize for that, because you were there. So I think for him to comment about listening and supporting is ridiculous.

**The Acting Chair (Mr Beer):** I think we have examined this one fairly carefully. Mr McClelland, perhaps you want to bring it all together.

**Mr McClelland:** I wanted to add something to the discussion that may or may not warrant any response. Briefly said, there is a concern—it is not a concern expressed only by myself. It is a concern expressed by me on behalf of many people who contacted me as critic, who have written and phoned and said, "We can't get through and we can't get answers." That was evidenced in terms of

the consultative process that Mr Cousens talked about yesterday. Here we are as opposition critics and we receive a document that we are asked to comment on with respect to the scrap tire management workshop long after it has been circulated elsewhere and circulated to the media.

**Mr Cousens:** Did you get a copy at last?

**Mr McClelland:** Yes.

**Mr Cousens:** When did you get it?

**Mr McClelland:** Yesterday evening.

In any event, part and parcel, it is sort of the mentality that exists. Mr Wiseman seems to seek to lead with his chin from time to time. He talked about a meeting on January 14 that the minister attempted to attend in a snowstorm. I hasten to add that the great care and concern that was demonstrated to the residents who appeared, the coalition of Britannia and area ratepayers, has been expressed by the fact that they still have not been able to get a definitive answer to the questions that were put at that time.

The meeting was on January 15. The meeting was asked for as early as September 1991. It was in response to faxes and phone calls and a plea to the Premier's office by the mayor of Mississauga that ultimately the minister agreed to meet with the people of Britannia on January 14. So it was from September through to January. Yes, after numerous faxes, phone calls and messages, she did go and meet, but I think that may be a little bit beside the point, other than to put on the record the full story that Mr Wiseman used by way of example.

The fact of the matter is that throughout the course of these hearings, hearing from some 200 deputants and many written submissions, a significant number of those people said they had a difficult time making their views known to the minister or even getting an acknowledgement of letters sent or correspondence, and basically requests for meetings just not being responded to. Again I say as critic, I have received numerous complaints to that effect.

I will say that the minister has said to me as critic that if there is such a situation, if I would hand-deliver to her a note, she will attend to it. I think credit ought to be given where credit is due and I think the minister is a person who is concerned personally, but the reality is that, unfortunately, given the circumstances she finds herself in right now, it has just spun out of control. Bill 143 is part and parcel of that evidence.

In light of the fact that they are having difficulty controlling the agenda and not being able to get hands on managing this issue and when we have something that is as fundamental as waste management affecting communities, and in light of the fact that this legislation also calls into question the efficacy of the environmental assessment process and the extent to which that may apply, the amendment seeks to enshrine, albeit in sort of a backhanded way, what should not necessarily have to be an amendment.

Policies ought not to be driving this issue. Regulations and legislation ought to. It seems to me that the Minister of the Environment should be obliged to set policies forth in



law and in statute and regulations that provide the safeguards that are generally afforded the people of this province.

We have developed a system of government that allows considerable latitude in terms of policy, but it seems to me that what subsection 15(1) says is that we will allow policy, really, to supersede the formal law. In light of the long-term impact of what would result from policies that are dictated by somebody who apparently is having a difficult time meeting with people and managing correspondence, we wonder, then, when issues of such significance come to bear on the people of Ontario, why it is that, first of all, policies would be so prevalent, in light of the fact that regulations and usually legislation are the driving forces, and second, why it is that the government is afraid of acknowledging legislatively its responsibility to meet and consult with people from a broad spectrum of society.

The amendment to subsection 15(1) seeks to address those apparent deficiencies, again, not necessarily articulated by myself, although I have done that, but brought before this committee and brought before many people by citizens of this province.

1440

**Mr O'Connor:** On the Liberal motion we have before us, again we have had another lively discussion and much rhetoric around this government's involvement of the private sector. The purpose of this—

**Mr McClelland:** The public too. This is the public and private sectors.

**Mr O'Connor:** I see that. I would just like to point out that the purpose of this clause in the legislation deals directly with the undertaking that is before the Interim Waste Authority, which is to search for a long-term site. The process, as we have heard on numerous occasions, does involve an awful lot of people in the public and private sectors.

We have touched on the Mississauga meeting and some of those concerns. Unfortunately the member for Brampton North was not able to be here the other day and perhaps has not had a chance to completely review the Hansard when the minister was here. She did address the concerns and points that had arisen from some of the concerns addressed by the people and the coalitions. She has met with them several times and pointed out some of that and agreed there were some points they did not come to complete agreement on. I guess that is part of the process too: Not everybody is going to agree with everyone. In fact, much of what has been said in this committee room this afternoon leads me to say that I could disagree wholeheartedly with some of the rhetoric that has flown around this room today, which is unfortunate because we do have a piece of legislation before us that I would like to carry on with the clause-by-clause on.

I just thought I would point out that your intention here again to include the private sector and the public sector also points that we are eliminating other people in there as well. By pinpointing and directing at only some people and not all people, you could say then we are excluding others. It is a precedent that does not need to be set right now. The process, as has been said many times, has been

quite open, the IWA going through the draft criteria trying to establish the long-term site. The undertaking has been discussed at great length with the private and the public sectors.

I would be pleased to discuss with you at great length at another time some things that you would like to see put in legislation in the future, but for now I think we have an undertaking before us and I think we should continue.

**Mr Solá:** I would just like to pose a question. This amendment includes both the public and the private sector. I would like to ask the parliamentary assistant what other sectors there are that are being left out if this amendment covers both sectors.

**Mr O'Connor:** I guess it points to one sector that our colleague the member for Markham pointed out. Our colleague mentioned that he would not like to see changes to the Ontario Labour Relations Act without discussion with the business and private sector and labour as well. That is just one example.

**The Acting Chair (Mr Beer):** Shall the Liberal motion carry? All in favour? All opposed?

Motion negatived.

**The Acting Chair (Mr Beer):** We need first of all to vote on subsection 15(1) before we move on. Shall subsection 15(1) carry? All in favour? Opposed? Carried.

We move next to subsection 15(2).

**Mr McClelland** moves that subsection 15(2) of the bill be struck out.

**Mr McClelland:** The rationale for that is quite simple. Subsection (2) refers to the policies established by the minister and it says that the IWA shall have or the corporation shall have regard to the policies established under that section.

A part of what we had tried to move earlier was an amendment that would have allowed the IWA to look more broadly than at, by way of example, estimates provided strictly by the ministry, to afford it not only the opportunity but the requirement, generally within the scheme of the act, to accept other databases, other information and so on. We had some fairly lengthy discussion about that yesterday.

Inasmuch as the government has chosen to defeat the amendment to subsection 15(1) that would have included the necessity for consultation, we believe very strongly that it is not appropriate for an individual, whoever he or she may be, to set policy and to have a legislative—let's understand what this act says. It says, "The Minister of the Environment may establish policies for the purposes of this part." There is no prescribed process by which those policies may be established.

I have no doubt that Mrs Grier will do her utmost to consider a variety of views. She may or may not be successful in tapping into the resources that are available, and I have indicated that I believe there is significant difficulty with her being accessible to a variety of groups and people, particularly those that her staff determine are not sympathetic or supportive of the government. It seems to me that they do a very effective job of screening the minister from those people who might have a contrary opinion.

In light of the fact that subsection (2) requires the Interim Waste Authority to have regard to those policies and in light of the fact that those policies do not necessarily

have to be fashioned within any attendant discussion or public input, we feel very much that we are opening the door here, ultimately, to set the stage for a position where one person can, according to the process here, set policy that must of necessity have significant impact on the corporation. We just think that is fundamentally wrong.

We think democracy is a whole lot more than one person making a decision, however good or competent he or she may be. Running the risk as always—that sword cuts both ways. Anybody can end up in that office. Times change and things change.

One of the hallmarks of democracy is accountability and a broad-based input. This is moving the opposite way. This clearly says that one person is going to take the position that he or she knows everything, or certainly sets that person up with the potential of taking that position.

As I said, I think there is a tremendous amount of goodwill that resides in the person of the present minister, a tremendous degree of personal integrity. But what this section does to say that that makes it good enough, for one person to make policy decisions.

Yes, there is a role for government to make those, but we believe because of the government's reluctance to accept a legislative framework of consultation or a prescribed frame of consultation, which is usually the process of legislation, not by dictate, that we just simply could not support subsection 15(2).

**The Acting Chair (Mr Beer):** Shall the Liberal motion on subsection 15(2) carry? All those in favour? All those opposed?

Motion negatived.

**The Acting Chair (Mr Beer):** We move on to subsection 15(3). Again there is a Liberal motion, and I note as well that the Conservatives have a motion similar to the second part of the Liberal motion.

**Mr Cousens:** I will waive our motion to the Liberal motion.

**The Acting Chair (Mr Beer):** Mr McClelland moves that clause 15(3)(a) of the bill be struck out and the following substituted:

“(a) take into consideration the estimates provided under section 13; and”

And he further moves that clause 15(3)(b) of the bill be struck out.

**Mr McClelland:** This is really, I suppose, just to make a point again for the record. We had said earlier, and it is all part and parcel of the same argument, that the IWA has to be given the latitude to look at a wider range of estimates to work with than those simply provided by the minister, that there is a broader world out there; I think that is phrase I might have used in earlier discussion. We think there is wisdom not only in looking beyond the four walls of the minister's office or the ministry's office but there is a tremendous amount of wisdom and benefit in looking further afield. Again we bring up the point, recognizing the fact that the government has already said no, that it is not prepared to allow that latitude to the corporation. We will move the amendment notwithstanding that.

It then follows that the second part of it—I know Mr Cousens will want to speak to this, because it incorporates his particular amendment that clause 15(3)(b) of the bill be struck out. That particular section, by way of explanation for those of us here today and others who might be interested in what is taking place here, is a reference back to section 14. Section 14 is that part of the bill that basically undercuts and, if you will, circumscribes the Environmental Assessment Act in a way that was never contemplated by those who drafted the Environmental Assessment Act. What it does is to limit it and put on a predetermination. That, quite frankly, is the complete antithesis of what the Environmental Assessment Act is all about.

1450

It seems to me that on the face of it one would be hard-pressed to make a logical argument that they could support clause 15(3)(b) of the bill and then say they support the Environmental Assessment Act. I put it to my colleagues here and I put to the parliamentary assistant: Do you or do you not support the Environmental Assessment Act? It is a difficult question for them to answer. They would like to say, “Yes, we support it,” but the reality is that many provisions of Bill 143 run contrary to the fundamental principles of the Environmental Assessment Act, so that they cannot come out with a clear answer and say, “Yes, we support the principles of the Environmental Assessment Act.”

Clause 15(3)(b) of the bill just underscores that point again. It says we will refer back to section 14, that section that contains or confines scopes, whatever nice euphemism you want to word, that cuts the heart out of the fundamental principle of the Environmental Assessment Act, which is probably the more accurate way of putting it. So to support clause 15(3)(b) says, “We don't really believe in, nor can we support in its entirety, the Environmental Assessment Act.”

**Mr Cousens:** We are talking about just giving more powers to the minister. I think if I were a New Democrat I would not vote for this motion, because we are really challenging the ability of the present government and ministry to make policies that are going to be consistent with the wellbeing and the future of this province.

I am voting against this one, as I have voted against other parts of the bill. It begins by saying, “The Minister of the Environment may establish policies for the purposes of this part.” We are just giving her the right to write and say anything she wants, and the level of responsibility that has been shown by this government is enough to drive a wedge between this government and the municipal governments, between Ontario and the regional governments that surround us.

I happen to have heard some of the comments made by the mayor of Mississauga. I know the statements that were made by a regional chairman, Eldred King, when he came to this committee. I have never seen a regional chairman as angry and as outspoken in his opposition to what the government was doing. The problem he and others have had in their presentations is that they have tried to make a point and this government just does not listen. It just gives them



further encouragement to go ahead and develop new, strange, innovative and foolish policies that may well cause Ontario to cease to be an entity of any worth in the business world.

I am so concerned that we are out of control at Queen's Park. I do not know what I can do about it. I will vote against this. I will speak out against the government on the policies it has developed. The policies surrounding this bill have been ill-founded and restrictive. I cannot for the life of me see why a government would not look at an option of a willing host such as the Adams mine site in Kirkland Lake, but it has decided that you cannot ship garbage out of an area, that you must get rid of the garbage, you must bury it, landfill it in the most expensive land in Ontario, if not Canada. That is right here within the GTA. What power she has, and how she is abusing it.

We are down to the last hour or so that we will be voting on these motions, but I will vote against this one. My hand is up as high as it can go in opposition.

**The Acting Chair (Mr Beer):** Shall the Liberal motion—

**Mr Cousens:** Mr Chair, I vote in favour of the motion to defeat the section.

**The Acting Chair (Mr Beer):** I was about to call the motion, Mr Cousens, and I somehow suspected from your remarks that might be the case.

**Mr Cousens:** I have confidence in the Chair.

**The Acting Chair (Mr Beer):** Shall the Liberal motion, clauses 15(3)(a) and (b) carry? All those in favour? All those opposed?

**Mr McClelland:** Could we have a recorded vote on that?

**The Acting Chair (Mr Beer):** There has been a request for a recorded vote.

The committee divided on Mr McClelland's motion, which was negated on the following vote:

#### Ayes—4

Cousens, Marland, McClelland, Sola.

#### Nays—6

Lessard, Martin, Mathysen, O'Connor, Ward, B., Wiseman.

**The Acting Chair (Mr Beer):** Shall clauses 15(3)(a), (b) and (c) stand as in the bill? All those in favour? All those opposed? Carried.

Shall section 15 carry? All those in favour? Opposed?

**Mr Cousens:** Recorded vote.

**The Acting Chair (Mr Beer):** A recorded vote.

The committee divided on whether section 15 should stand as part of the bill, which was agreed to on the following vote:

#### Ayes—6

Lessard, Martin, Mathysen, O'Connor, Ward, B., Wiseman.

#### Nays—4

Cousens, Marland, McClelland, Sola.

#### Section 16:

**The Acting Chair (Mr Beer):** Shall subsection 16(1) carry?

**Mrs Marland:** I have a question on subsection 16(1). I wonder if the parliamentary assistant could explain or give an example of persons to whom the Intervenor Funding Project Act does not apply.

**Mr O'Connor:** Given that this is a part of the mechanics the IWA will be following through with, I would ask for legal counsel, Jim Jackson, to answer the question.

**Mr Jackson:** Jim Jackson, legal services branch, Ministry of the Environment: There are no people to whom the Intervenor Funding Project Act cannot apply who might become involved in these hearings. Anybody who becomes a party or wishes to become a party can apply under the act for funding, and anybody, such as the proponent who is found to be a funding proponent under that act, can be compelled to contribute funding.

**Mrs Marland:** I do not really understand the answer, but I will re-read it in Hansard. Thank you.

**The Acting Chair (Mr Beer):** Mr McClelland, did you have a question or a comment?

**Mr McClelland:** Yes. I wonder if I am correct in assuming that this particular section of the act, participant funding—I think I might have heard it and I want it clarified for my own understanding—suggests that interim funding may not be sufficient in its present form, given the extension of the act. It does not define the parameters for such funding clearly and it does not say who is eligible, although we have an idea, from what you have just said, I understand, Mr Jackson.

According to this, if I understand it correctly, participant funding deals with any part of the environmental assessment process where your funding is not available. The question then is, is it intended that the minister's policies under section 15 then define the parameters of what may be and who may be eligible for participant funding?

The reason I ask that—and I ask the parliamentary assistant, who will doubtless refer it—is because if that is so, if section 15 defines the parameters, then what we have here is a situation where there is potentially no scrutiny of those policies in the Legislature or anywhere else. Of necessity, it follows that section 15, which your caucus has just voted in support of, is an opportunity for the minister to, by fiat, say: "Thus and so it shall be. Here is the policy." One can ask the questions, and that policy then dictates who the "participants" are. If that is the case, what we have then is a situation that compounds the difficulty Mr Cousens and myself and others have been saying, that this then becomes a decision of potentially political expedience in the worst sense. I do not think any of us want that to happen. So does section 15 then define the parameters of section 16? Potentially, can that happen?

#### 1500

**Mr O'Connor:** The participant funding, just maybe to clarify that a little bit, is to allow people an opportunity to assist them in getting information together for an environmental

assessment before the hearing process. Just to further clarify that, again, perhaps I will—

**Mrs Marland:** We already know that.

**Mr McClelland:** The question, though—you might be able to clarify this—is that presumably it stands to follow that the preparation would have to be consistent with the policies of the minister. If there was any preparation that was sought to be done by anybody who was not “user-friendly” to the government, they probably therefore would not qualify for participant funding. The minister’s policies define the parameters, so it stands to follow that only those that fall within the minister’s policies or are friendly in regard thereto then would fall under the catch-all of participant funding. Of necessity, the policies define the process, so the minister’s policies define who can participate and ultimately control who gets funded. So again, what it does is that the government funds people who are government-friendly.

**Mr O’Connor:** That is not quite correct. You have heard the statement I have made and I will just ask Jim Jackson and perhaps even Jan Rush to comment on it, because they will no doubt be involved in this.

**Mr Jackson:** In case there is any uncertainty about my previous answer, I was talking about who was qualified under the intervenor funding act, not when they were qualified. The intervenor funding act does not apply until after the notice to commence the hearing has been given by a joint board. Jan Rush will talk about to whom participant funding will be available and under what conditions.

**Ms Rush:** I am Jan Rush. I am the assistant deputy minister for the Office for the Greater Toronto Area. I am also chair of the Interim Waste Authority.

Participant funding is one of the subjects for public consultation and the questions posed for the public are in the draft approach and criteria document we have discussed before during these hearings.

I also should say that the Interim Waste Authority commissioned in the summer, July 1991, a participant funding study by the Canadian Institute for Environmental Law and Policy. That paper proposed some options but not conclusions about eligibility, administration of the funds and the relationship between participant funding and intervenor funding. We took some of those questions and put them into the public consultation document.

Under the memorandum of understanding, which you also have, it will be up to the Interim Waste Authority to work out a budget for eligibility and administrative procedures for participant funding. What this section does is permit us to do that, and it not only allows for the same body that will administer the intervenor funding to be aware and also administer the participant funding, but allows it also to take into consideration the participant funding that was awarded in the awards it would grant under the intervenor funding act.

This is a relatively new procedure in the environmental assessment process. It is our hope and intention that people will be able to become active in the process earlier, both to their own benefit and the benefit of the process.

**Mr McClelland:** It is probably asking you something that is unfair, and for that I apologize, inasmuch as you say it is in the process of being defined and will be worked through. There are from time to time situations where under the terms of the Intervenor Funding Project Act people who have standings or organizations who are party to a proceeding may be granted funding, regardless of which side of the fence they stand on. In other words, they may be a proponent or opponent or simply a party of interest to the proceedings. Is there contemplation that participant funding would also potentially be available for people or organizations, individuals, whatever, who may not necessarily fall within the framework of section 15, minister’s policy?

The logic—such as it may be, whether it makes any sense to you or not—I am trying to follow through with is this: The policy of the minister, pursuant to section 15, very much defines the work and the proceedings of the corporation, to a large measure. It is not exclusively, but it is a fairly significant driving force in terms of the corporation’s work. That seems to me the purpose of section 15. To what extent will the section 15 policy implications also roll over, if you will, into the probability of a participant receiving funding or not receiving funding? In short, if a participant is seen to be contrary to the government’s position or the minister’s position—the minister of the day, whoever he or she is—is he less likely to be funded, more likely, or is it a non-issue?

**Ms Rush:** It is a non-issue. There are two things I might comment on. One is that section 15 merely enables the minister to give policy direction to the board and the board must have regard to that policy. There is not a direct relationship there. “Have regard,” as you know, is a very important choice of words.

The second part is that the participant funding will not be administered even by the authority. We will obviously set up criteria and some budget for it, but it is not our intention ourselves to administer participant funding, and the purpose of that is fairness.

**Mr McClelland:** Is there some difficulty, do you think, in terms of the process—it is already pretty difficult as it is—that we are going to get a mix of what is intervenor and what is participant and further confuse the issue? Is there some plan or plans in place where maybe that whole process can be rationalized and perhaps subsequent amendments to the act as it now stands where that whole scheme of funding can be mixed and shaken down, if you will, into one neat, user-friendly package? I think Mr Blackwell understands where I am coming from.

**Ms Rush:** I think the package is user-friendly. Unfortunately the words in this part of the legislation, because it is referring to another piece of legislation, are not clear. Sometimes the law is not the best way to communicate. What this is doing is trying to do exactly what you suggest. It is saying participant funding may be made available—and by the IWA’s decision it shall be—ahead of intervenor funding. It allows the same body to determine and run the process, and it also allows consideration in awarding intervenor funding to how much was given in participant funding.



The flow-through, in terms of the people who are going to make use of that funding, I think will be very simple. They will know, through the consultation process we have undertaken, what is under consideration. They will be dealing with the same body. They will know that they will continue as they began in terms of who they deal with and how they deal with, and we will also be using the expertise of those who have some knowledge of the intervenor funding to help us in developing the participant funding. We also went to an outside source for the policy paper to help us cast the questions we put in consultation. I think it is simple and user-friendly, and it is certainly without any influence.

**Mrs Marland:** Do I still have a question?

**The Acting Chair (Mr Beer):** Mrs Marland.

**Mrs Marland:** I think I want to clarify the question I asked a few moments ago, because it seems to me, the way I read subsection 16(1), that people can apply for funding under the existing Intervenor Funding Project Act, which is the one I think the government has now announced it has extended the support to. I think originally it was a three-year allocation. When I read 16(1), I would like to be clear to know whether people can apply for one or other sources for intervenor funding, either the Intervenor Funding Project Act or under this act what you call participant funding, or does it mean, if they are turned down, because it says if "the Intervenor Funding Project Act does not apply," then do they apply under 16(1) of this act for participant funding?

1510

**Mr Jackson:** The applications for participant funding will be made much prior to people becoming eligible to apply under the Intervenor Funding Project Act. So whoever is applying for participant funding will not know whether or not they are going to apply let alone whether any will be awarded under the Intervenor Funding Project Act, because they deal with different time periods. The Intervenor Funding Project Act, which is already in existence, starts to apply after the board that is going to be conducting the hearing publishes a notice. It does not get to that stage until after the environmental assessment has been prepared through the process set out in the DAC and submitted to the Minister of the Environment under the Environmental Assessment Act for review and the minister has published the review and the review period provided for under the Environmental Assessment Act has gone by. That will be several years off.

**Mrs Marland:** So is it possible, then, for an individual or a group to receive funding from both sources?

**Mr Jackson:** Yes.

**Mrs Marland:** Wow.

**Mr Jackson:** At different periods of time.

**Mrs Marland:** Oh, yes.

**Mr Jackson:** One up until the hearing starts, and then the Intervenor Funding Project Act kicks in and does not leave them there with no funding to participate in the actual hearing; it provides them with funding to participate in the hearing.

**Mrs Marland:** Wow. That is interesting. In your regulations or in your guidelines, are there going to be any limitations on the number of times the same individual or the same group can come back for this kind of funding and are there eligibility criteria—I mean, other than the usual thing about it must not be facetious, but are there strong eligibility criteria—and is there a cap on how much they may request or how much they will be allocated if they are going to end up getting—I am not thinking about the reasonable—I mean, I am a supporter of intervenor funding. In fact, I started it in Mississauga without the formality of a provincial statute. But I am wondering what it is you will do to protect from the person who is almost borderline facetious yet may sound quite credible and may use this funding and then the intervenor funding under the Intervenor Funding Project Act later on to pursue something that might be questionable. Are you going to have very strict criteria about who gets this government money?

**Mr Jackson:** I will start from the end and work up to the present. The Intervenor Funding Project Act itself establishes criteria the hearing panels under that act apply in order to determine the amount of funding that individuals or groups will be entitled to. There have been a number of determinations in different procedures before the Environmental Assessment Board, before the Ontario Energy Board and before joint boards under which those criteria have been applied.

You mentioned multiple applications. In some cases, when a hearing has gone on for an extended period of time, the funding panel is not able at the beginning of the hearing to prejudge how much money a person might need to reasonably carry him through the whole hearing and supplementary applications are made.

With respect to the participant funding, under the Intervenor Funding Project Act there is no specific dollar cap. The board will make whatever ruling it makes and people will expect it to be reasonable. Under the participant funding that happens prior to the hearing, the corporation will set a global budget, and the board members, who will later be administering the intervenor funding, will have that money to divide up. It is the board of the corporation, the IWA, that sets the global amount, and it will be the EA board members, who are the intervenor funding panel, who will also be the participant funding panel that will decide how to divide it up. There will be a budget. People may apply for more from time to time, if that is required and they can convince the board they need more. In some cases, they may make submissions to the board of the corporation to the effect that they did not supply enough money in their budget for participant funding and ask the board of the corporation to make more money available to the intervenor funding panel to divide up under the participant funding part of the program.

**Mrs Marland:** So it is the EA board that will decide who gets the participant funding, even though the EA process has not started before that panel.

**Mr Jackson:** That is correct. That is the purpose of this section.

**Mrs Marland:** From your answer, then, I guess the thing is if you are going to be looking for this participant

funding, you had better get up there to the bench early. From the answer, I assume, obviously, if the IWA is allocating a certain amount of money to be used for participant funding, and there are a number of groups that wish to be eligible for that grant, as it is, you would want to be first in line. Is there much likelihood that the EA board would be able to go back to the Interim Waste Authority and say, "Look, we've got seven groups" or "10 individuals"?

**Ms Rush:** If I may, we are discussing now the administrative arrangements between the corporation and the EA board. Certainly the EA board members will know what the global budget is, and presumably part of the administrative arrangements for them will be how they do some form of—I do not mean a survey in a technical sense but how they find out how many players there are, and the requests, and ensure that they will be equitable and fair. If it proves to be unreasonable, we will be very reasonable in return, also having some guardianship over the amount of money that will be spent.

I should also point out that one might expect that some of the work that might have been carried out under intervenor funding may have already been carried out under participant funding. That is the purpose of allowing the award of intervenor funding to take consideration of how much was given in participant funding and what use it was. So there are some protections built in in terms of the use of these moneys.

Hopefully it will be smooth. This is new ground to some degree, so we are having some difficulty putting a budget together, but we are doing so. There has been one experience. We have looked at that and we are trying to make some assumptions. If those prove to be unreasonable, we will fix them. If they are reasonable, we do not intend to provide more money than is necessary, but as close to the right amount as we can.

**Mrs Marland:** In a ballpark estimate, when you looked at putting this provision in this bill, how much money has the government thought about allocating to this section of the bill? Are we looking at thousands of dollars or millions of dollars? In order to agree to putting this provision in the act, you must have had a discussion about what kind of money you might budget for, especially if it comes out of the Interim Waste Authority's budget.

**Ms Rush:** The one experience we have used is Windsor-Essex, I believe; I do not have my notes with me. I believe in their experience it was around \$200,000 for the site search. It is smaller and is one, and we have three. I cannot give you a fixed number now, but that is the one experience we have, and we are trying to take that experience in terms of complexity and size of area, size of site, and apply what was learned through that experience to a budget for the three site-search areas for which we are responsible.

1520

**Mrs Marland:** So you are saying that other levels of government could be eligible for this funding as well.

**Ms Rush:** We do not have the eligibility worked out. That was part of the consultation that has been under way and part of the rules that we are now working through. Our response to that will come out in the next set of documents

that are due as part of our public consultation, so I cannot give you that now.

**Mrs Marland:** Gosh, this is interesting. Are you willing to say that individuals, groups of citizens, business, industry, commerce and other levels of government, like the municipalities, for example—at the moment would you say that full range of representation might be eligible for participant funding?

**Ms Rush:** What I am saying is that the review of all of those is ongoing and I have yet to see the results of both the public consultation and the work that has been done. I just am not able to offer much at the moment. We have not turned our mind to that yet.

In terms of the paper I was talking about, we have posed a number of questions about what was and what was not appropriate. At the moment we are at the broadest point, and all those things are under consideration. It is simply work we have not completed yet, so I can tell you more, if you wish, in a few weeks' time when we get to that point.

**Mrs Marland:** I think it would be interesting to know the implications of this section before the bill goes through third reading. I think it is very important for people to know who would be eligible because, my goodness, if we are using an example of \$200,000 for Essex county, or whichever one it was—it does not matter—if that is one example of an applicant for participant funding—

**Ms Rush:** Excuse me. They were the proponent, so it was not an applicant: "the proponent who is responsible may." This makes us able to do this; it is not requiring us to do it. It was the proponent that set a budget of \$200,000. It was not an applicant to that funding.

**Mrs Marland:** If the city of Mississauga, for example, is forced into an environmental assessment process and it wishes, on behalf of its taxpayers, to receive participant funding towards the cost of that, is that one of the possibilities you are considering?

**Ms Rush:** It is one of the possibilities, yes. I believe that municipalities have been given intervenor funding, and certainly the rules that apply to intervenor funding will have a lot of influence on the participant funding rules, given what I was saying to Mr McClelland about how we hope in a sense that, as participants, there will probably be more applicants for participant funding. Then, as the process gets to a preferred site, they will drop off and there will probably be fewer of those people wanting to continue, because some people's interest will wane at that point as others' interest gets more extreme.

As I say, this work is under way; I am just not able to answer your questions fully today. But it is the proponent's obligation to undertake this. As I say, the Intervenor Funding Project Act is quite specific, and we will be using that, plus the results of the public consultation, plus the advice of the people who will administer this to help us determine the participant funding rules. As I say, we intend it to be fair and reasonable.

**Mrs Marland:** But you can see here that if the proponent is the Interim Waste Authority—my goodness, this act is so popular around the province that I can see just unheard amounts of money being asked for under this section of



participant funding. If an individual or a group or a formalized group, which you could describe as a municipality—you could describe a mayor and members of council as being representative of individuals or groups that may seek participant funding—this could have an incredibly high cost to the government. It goes way beyond anything I had ever thought of in terms of intervenor funding because now we are talking about pre-intervenor funding. That is really what this participant funding is: It is pre-intervenor.

**Ms Rush:** I think through the Intervenor Funding Project Act there has been a lot of experience in having scrutiny of the purpose for which the fund is used and the reasonableness. As I did say before, the expectation with participant funding is that the requests for intervenor funding will be less than they would have been had it just started in intervenor because some of the groups will have already completed the work for which the money is allocated. So I think it has that relationship.

**Mrs Marland:** Do you not see a tremendous lineup at the bank for this money?

**Ms Rush:** I think that is part of setting a global budget of what is reasonable and using the expertise we can get from the people who have applied the Intervenor Funding Project Act and striking that reasonable amount of money. I think that is what we are attempting to do.

Our expectation is that it will mean, as I said, less money that will be needed to be made available under the intervenor funding and also people feeling they have the capacity to participate much more fully in the process at an earlier point in time. So we will see a better process, a faster process and less money than would have gone out under the intervenor funding side. I think this will be a benefit in the process.

**Mrs Marland:** I just say, good luck. Does Mr Laughren know about this? Good luck with it. When there is so much controversy surrounding anything you are going to want to do under this act, I say to the parliamentary assistant, good luck. The whole concept of intervenor funding is very new in the global sphere of things, and with the kind of World War III that you are going to get with this beautiful piece of legislation, you are going to have to side up pretty close to the Treasurer, I think, in order to make section 16 work. I just give it as respectful due warning. I hope our assistant deputy minister of the GTA and the chair of the Interim Waste Authority will not be landed with all the people lined up on her doorstep with their big moneybags open, because I think you are going to need a lot of money.

**Mr Cousens:** Mrs Marland has asked some excellent questions that deal with this. How timely it is, since on March 25 we just had the extension of the Intervenor Funding Project Act announced by the Minister of Energy, the Minister of the Environment and the Attorney General. I guess I will repeat the question, inasmuch as I want to just be absolutely certain from ministry staff that in fact they have a budget. If so, what is the size of the budget that would be set aside for this?

**Ms Rush:** As I say, we are working on that now. What I gave is the one example we are aware of that the propo-

nent in—I am sorry, I do not have my notes on this—but I believe it was the Windsor-Essex proponent for landfill. Their budget was around \$200,000. I think it was a little more than that, but that is the one experience we are aware of. We are looking at how comparable the conditions are for their experience, how it worked, and then trying to make some assumptions. That is one site search area. We have three site searches under way, obviously a more complex environment under these circumstances, and different sizes, different numbers of communities involved. We are trying to use that information to help us put a budget together.

1530

**Mr Cousens:** Could I ask if the parliamentary assistant would make the commitment to follow up on some of the points Mrs Marland has raised, that we could expect from the ministry certain information that would respond to the need for the dollars that are going to be budgeted and allocated for this?

I would like to know if any guidelines are going to be defined and delineated that would help laypeople who will be following this act more closely as it reaches the final stages in the House; how they would apply and what is involved. I do not think there is anything out of the ordinary under the Intervenor Funding Project Act, but I would not mind if members of our caucus and the committee were to receive copies of information on how people can apply through that intervenor act. They are somewhere, but it now becomes all the more important since this bill is invoking the intervenor act and since that act has been extended by decree of the three ministries, it gives very special weight to what is being considered.

It also draws to the attention of at least the Conservative side of the caucus the great difficulty this government has in measuring costs for the implementation of this bill. There are a lot of things going into it. Inasmuch as the government has not so far been able to give us a defined budget being planned around these projects, the site planning and so on, if there is anything further you could do before the House sits and we have our final set-to, maybe the parliamentary assistant could provide us with any other financial information that surrounds this bill.

Part of the reason we are raising this is that the economic realities of the 1990s require control of the costs. Since the New Democrats have come to power—

**Mrs Marland:** They are closing hospital beds while this is going on.

**Mr Cousens:** Exactly. While you are closing hospital beds and erecting bilingual signs in Toronto at \$4 million; while there is a \$12-billion, \$14-billion budget deficit, we really have to see fiscal accountability for what is going on. I know it is a lot to ask from people who are not used to spending money as carefully, but that kind of information would be very helpful to the public and to us as we reach the last gasps of this bill.

**Mr O'Connor:** I am glad you are sympathetic to the plight of the Treasurer and the government, given the financial restraints we find ourselves in and the difficult times in this recession. The financial ends of the intervenor funding might be a little time coming because, as Ms Rush

had said, the process is still ongoing. I am sure you and all members of the committee, after going through five weeks of committee hearings, would be interested to hear a little more about that. Maybe long before it gets to the estimates process they can see exactly what is happening.

The other point you raised was how people apply for the participant funding. That information can probably be made much more readily because that process has gone on quite a bit and consultation has taken place already. Some of the other information may take a little longer, but I am confident we can share that information and all members of the committee, as well as—because we have, as colleagues, sat here and listened and discussed this bill at some length. We are probably all quite interested, so I appreciate your raising those concerns, as well as your colleague the member for Mississauga South.

**The Acting Chair (Mr Beer):** I will call the subsection, then. Shall subsection 16(1) carry? All in favour? Opposed? Carried.

Shall subsection 16(2) carry? All in favour? Opposed? Carried.

Shall subsection 16(3) carry? All in favour? Opposed? Carried.

We come to Mr McClelland's motion, subsection 16(4), which you were proposing to—

**Mr McClelland:** Withdraw.

**The Acting Chair (Mr Beer):** You withdraw that because it has already been dealt with.

Shall section 16 in its entirety carry?

Interjections.

**The Acting Chair (Mr Beer):** I am sorry. Excuse me just one moment, please.

**Mr Cousens:** I did not know whether mine was still there. Did I get it in time, Mr Chairman?

**The Acting Chair (Mr Beer):** My apologies. The Chair was so electrified by the rapidity with which we had gone through this section I was ahead of myself. So if I could—

**Mrs Marland:** Yes, we are suddenly galloping along.

**The Acting Chair (Mr Beer):** I know. It was an exhilarating feeling. Mr Cousens, you had a motion adding a subsection. Would you care to move it.

**Mr Cousens:** I move that section 16 of the bill be amended by adding the following subsection:

"Private Contractors

"16(4) A regional or metropolitan municipality may contract with an individual or corporation to assist the municipality in fulfilling any requirements of this part."

**The Acting Chair (Mr Beer):** Would you care to comment on that amendment?

**Mr Cousens:** The point we were making is on the request of a private waste management company that appeared before the committee. We propose an amendment to ensure that they have a role in future waste management. We have promoted private sector participation in all areas of the economy on the assumption that the private sector can complete the work more efficiently, effectively and at a lower cost.

**Mrs Marland:** How does that come under 16?

**Mr Cousens:** I am trying to see why that follows right where it is.

**Mrs Marland:** I do not think it is in the right place.

**Mr McClelland:** I think it might be just a typo. It should probably be section 16.1, not a subsection but rather a section. Section 16.1 is a section unto itself. That might be of some help to the Chair and to my colleague.

**Mr Cousens:** I am somewhat embarrassed. I apologize. I should be calling this section 16.1 and then changing the number to 16.1, where "A regional or municipality may contract with an individual or corporation to assist the municipality in fulfilling any requirements of this part." I do not think there are a lot of explanations required, if that motion is allowed to stand.

**The Acting Chair (Mr Beer):** I believe we can discuss that. I might first of all ask that we vote on section 16 and then go to 16.1, as this would then be numbered.

Section 16 agreed to.

**The Acting Chair (Mr Beer):** Now, Mr Cousens, we have—

**Mr Cousens:** Assuming it was read.

**The Acting Chair (Mr Beer):** We will assume it is read. We will replace the 16(4) with a 16.1.

**Mr Cousens:** Thank you, Mr Chairman. I apologize. Not a lot of explanation is required. It is just that let's encourage the bill right within its context to have that opportunity for regional municipalities to contract outside with private corporations and individuals to fulfil that part. A very simple amendment. I so move.

**The Acting Chair (Mr Beer):** Shall section 16.1 carry? All in favour? All opposed?

Motion negatived.

1540

Section 17:

**The Acting Chair (Mr Beer):** This means we have completed the second part and we move on now to part III, "Implementation of Minister's Report."

**Mrs Marland:** I would like to speak on section 17 too.

**The Acting Chair (Mr Beer):** One moment while I consult with the clerk. We are just looking at the first three here, two Liberal motions and a Conservative motion and getting some direction as to how we will approach the first three. Mr McClelland, what is your wish with respect to the first Liberal motion you have there?

**Mr McClelland:** The first Liberal motion is to move that part III of the bill consisting of sections 17 to 20 be struck out altogether. I know you are going to rule that out of order, but that is the part of the bill that says the Environmental Assessment Act does not apply, even if the implementation requires the municipalities to do something that they would otherwise require the consent of the municipality to do, and so on.

We have asked that this whole section be struck out because it runs contrary to everything the municipalities are charged with the responsibility of doing. We ask that you would consider ruling this in order so this part of the



bill can be dealt with as it ought to be dealt with and scrap it entirely.

**The Acting Chair (Mr Beer):** I have to rule this out of order.

**Mr McClelland:** I am surprised to hear you say that, but obviously the—

**The Acting Chair (Mr Beer):** Obviously, if you wish to vote against the various—

**Mr McClelland:** I accept your ruling with full regret.

**The Acting Chair (Mr Beer):** I will ask Mr Cousens what he proposes with his motion.

**Mr Cousens:** If I can just make a comment on it first. In bringing forward this motion, there is no doubt that part III of the bill is anti-democratic. It is a theft of the authority of elected municipal officials and giving it to some official of the state. The whole business of the disposal gap that has been referred to in this bill need not be managed by this form of overbearing legislation. The amendments the government has drafted suggest further confusion on what the government intends to do. We are into something that requires total abolishment, both the government and this part of the bill.

**The Acting Chair (Mr Beer):** Mr Cousens, I have to call this amendment out of order in dealing with the part, but of course you are free to deal with each of the sections as we go along and vote against them. There are other amendments later on where you would have an opportunity to speak. There is one further motion. Mr McClelland.

**Mr McClelland:** I am withdrawing my motion that section 17 of the bill be struck out.

**Mr Beer:** Thank you. Would you go on with your next motion and move it please?

**Mr McClelland:** Are we going to proceed immediately with subsection (4)?

**The Acting Chair (Mr Beer):** Sorry. Wait a minute. Thank you for stopping me. I get so excited.

**Mr McClelland:** We begin to see the last half of the bill, Mr Chairman.

**Mrs Marland:** Imagine if you had been here five weeks, Charles.

**The Acting Chair (Mr Beer):** Okay. Shall subsection 17(1) carry? All in favour?

**Mrs Marland:** A recorded vote. I would like to see Mr Wiseman vote on this.

The committee divided on whether subsection 17(1) should stand as part of the bill, which was agreed to on the following vote:

#### Ayes—6

Lessard, Martin, Mathysen, O'Connor, Ward, B., Wiseman.

#### Nays—4

Cousens, Marland, McClelland, Sola.

**The Acting Chair (Mr Beer):** Shall subsection 17(2) carry?

**Mrs Marland:** I would like to speak to subsection 17(2). Subsection 17(2) says:

"The regional municipality of Peel shall maintain, operate, improve, extend, enlarge and alter the waste management system consisting of the Britannia Road waste disposal site in accordance with the report made under section 29 of the Environmental Protection Act by the Minister of the Environment to the clerk of the regional municipality."

Could the parliamentary assistant tell us what the report made under section 29 says?

**Mr O'Connor:** I would like to recall for all the members here that we were given copies of those reports right at the very beginning of the committee hearings.

**Mrs Marland:** With respect, you are the parliamentary assistant. We are about to pass a very significant section of this bill and I would like to know what the report says.

**Mr O'Connor:** I would like to ask Alex Giffen if he has a copy of the report and maybe Mrs Marland would like it read.

**The Acting Chair (Mr Beer):** If you would just identify yourself for Hansard.

**Mr Giffen:** I am Alex Giffen, assistant director, central region of the Ministry of the Environment.

I apologize that I do not have a copy of the report in front of me. Was the member looking for it to be read verbatim? I am very familiar with the report.

**Mrs Marland:** No.

**Mr Giffen:** I think an overview of the report is what was sought.

**Mrs Marland:** I just would like to know what section 29—the reason the wording here is so interesting is that when this government chooses, it pulls out a section of the Environmental Protection Act and applies it. At the same time, this whole bill sets aside the value of the Environmental Assessment Act and the Environmental Protection Act. I just find the wording here that a report has gone to the municipality under section so and so rather curious. In other words, the government selectively chooses whether to use the Environmental Protection Act or the Environmental Assessment Act at the same time it is passing this act which supersedes everything.

If section 29 tells the regional municipality of Peel to do anything more than maintain, operate, improve, extend, enlarge and alter, I just wonder how much more it can tell them.

**Mr Giffen:** Again, would you like it verbatim?

**Mrs Marland:** How long is it?

**Mr Giffen:** It is quite a few pages.

**Mrs Marland:** No.

**Mr Giffen:** I could give an overview, though.

**Mrs Marland:** If you could just tell me what section 29 says other than these words that are in subsection (2). Is it telling them to do anything other than maintain, operate, improve or expand?

**Mr Giffen:** The minister's report issued under section 29 of the Environmental Protection Act requires the region

of Peel to do a number of things to plan for an increase in the capacity of the Britannia landfill site in stages up to about 2.5 million cubic metres of additional waste.

The report describes the technical studies the region of Peel is required to carry out to demonstrate that the additional waste can be placed in the site in an environmentally safe and acceptable manner in accordance with the existing standards and policies of the province. It also requires the region of Peel to carry out a community involvement program that involves the setting up of a public liaison committee and the establishment of a public information centre as well as to provide to the residents and interested parties a communication strategy for ongoing information about the nature of the studies.

The community involvement program of a public liaison committee is intended to provide an opportunity for people living around the site, whether they be developers who own land affected by the site or residents around the site, the opportunity to input into the studies, to learn and understand what studies are being done and to satisfy themselves that their concerns will be addressed.

1550

**Mrs Marland:** May I just interrupt, please, because of the shortage of time. You answered what section 29 pertains to, but what it brings forth is the question I have been trying to establish all week.

You answered very well that section 29 gives direction to the municipality about what it has to do. Since the Interim Waste Authority is involved in some of those things you just described, the conduct of the public meeting and gathering the public opinion and testing and so forth, although section 29 is an order to the regional municipality of Peel and although the Interim Waste Authority is involved, can you tell me who is going to pay for all that?

**Mr Giffen:** The Interim Waste Authority does not have any involvement whatsoever in the minister's report and the implementation of the minister's report. The report issued by the minister to the region of Peel deals with the expansion of Britannia as an interim measure while the Interim Waste Authority is carrying out the long-term search.

**Mrs Marland:** So the IWA only pays for the new site.

**Mr Giffen:** That is correct.

**Mrs Marland:** The government is not paying for any of the costs associated with subsection 17(2).

**Mr Giffen:** The report issued under section 29 is issued on the basis that the region of Peel owns and operates the Britannia landfill site. It receives the revenues from that site. It will continue to receive the revenues from the expanded site and those revenues should provide the basis for paying for the necessary work to demonstrate that the expansion is safe and acceptable.

**Mrs Marland:** So the total responsibility and cost rests with the region of Peel.

**Mr Giffen:** Correct.

**Mrs Marland:** Thank you for the answer. I will not take up the balance of the time since we are getting down to a shortage of time, but I think it is very significant that when you look at subsection 17(2) of this bill and realize

this is all well and good—it is fine for the region of Peel to be paying all the costs—and then you get down to subsection (4) and find it may also have to accept the responsibility for waste disposal from municipalities other than the one in which it operates, that is pretty awful stuff.

**Mr McClelland:** I want to put a question to the parliamentary assistant. My understanding is that subsection 17(2) says that the 2.5 million cubic metres of additional waste will be added on to Britannia without an environmental assessment or without an Environmental Protection Act hearing, notwithstanding the fact that your Premier promised this would not happen and notwithstanding the fact that your now minister promised this would not happen. That is what this section does. Is that correct? That is a simple yes or no. My understanding of it is that this is the section that basically contravenes the promises made by your Premier and by the Minister of the Environment.

**Mr O'Connor:** When members of the committee take a look at this bill, actually the portion just before (2) are all subject to the minister's orders. The minister's orders for Peel that we are discussing right now require the municipality to undertake a series of studies—a site survey, leachate collection control, disposal, gas generation control, storm water management, final cover buffer zone, site operations, monitoring of the leachate gas and water surface—and come up with an after-use study plan as well as the community information centre and what not that Mr Giffen spoke about.

The problem, of course, that was found in Durham region was the fact that they were not able to have an expansion of their site. There was no need for them to undertake the studies. The fact of the matter is that when we first started the committee hearing process and the minister's order was out there and we had the mayor of Mississauga before us—and a very eloquent speaker she is indeed—she spoke about some of the problems and difficulties they had, and the minister was out speaking to the people in the community.

**Mr McClelland:** I would indicate that I simply asked for a yes or no answer, whether in fact this is the section that contravenes the promises made by the minister and the Premier. Is it or is it not the section that contravenes it? It hardly requires a 10- or 15-minute dissertation by the parliamentary assistant.

**Mr O'Connor:** I do not think I can go on for that length of time, because we are getting very close to the time.

**Mr McClelland:** It is a long way for him to say that yes, it is the section, if that is essentially what he is leading up to.

**Mr O'Connor:** When the mayor was here before us, she pointed out that they were in fact in contravention of the minister's orders at the time. After hearing from this committee and approaching the committee and speaking on it, they took it to council and they are now in compliance with the minister's orders. So in fact the process that is undertaken right now has a complete set of studies on environmental areas of the bill and the site but does not comply with what you are suggesting.



**Mr McClelland:** So the answer is that this is the section that runs contrary to the promise, Mr Chairman. I think the record should indicate that very clearly.

**Mrs Mathysen:** I think there has been a suggestion that somehow or other the municipalities are going to suffer financially. I wonder if, through the parliamentary assistant, Mr O'Connor, I might ask Mr Giffen what revenues the region of Peel can expect to receive as a result of the lift at Britannia, just so that we can know what the financial situation will be.

**Mr Giffen:** The minister's report, as I indicated earlier, provides for additional capacity up to about 2.5 million cubic metres. That is equivalent to about two million tonnes of additional waste going into the site. It is projected that this would be placed in the site over approximately a five-year period. Presently the region of Peel charges a tipping fee of about \$150 a tonne and a slight increase is planned in July of this year.

The commissioner of finance for the region of Peel indicated in his report to council that the region of Peel would benefit overall by an amount in excess of \$200 million if it proceeded with the implementation of the minister's report. That benefit was based on accommodation of the additional tipping fees the region would receive as well as the money the region would avoid paying if it had to take its waste outside of Peel region. That is a public document and I believe it was provided during one of the earlier presentations to the committee.

**Mr Cousens:** Will we vote on it now?

**The Acting Chair (Mr Beer):** Yes. I will just get my notes. Subsection 17(2) carry? All in favour? Those opposed?

**Mrs Marland:** I would like a recorded vote on all of section 17.

**The Acting Chair (Mr Beer):** We are at subsection 17(2). I can do a recorded vote on subsection 17(2).  
1600

The committee divided on whether subsection 17(2) should stand as part of the bill, which was agreed to on the following vote:

#### Ayes—6

Lessard, Martin, Mathysen, O'Connor, Ward, B., Wiseman.

#### Nays—4

Cousens, Marland, McClelland, Sola.

**The Acting Chair (Mr Beer):** It now being 4 o'clock—  
Interjection.

**The Acting Chair (Mr Beer):** I am using my own clock.

**Mr Cousens:** Mr Chairman, you have been using this clock throughout the hearings.

**The Acting Chair (Mr Beer):** No. Actually, with respect, I have a clock here.

It now being 4 of the clock—I wanted to use that turn of phrase. It is one I thought the former Speaker, Hugh Edighoffer, used to use so well.

**Mr Cousens:** Just to comment briefly, the next section is one of the worst sections of the bill in that the ministry is coming along and shoving—

**The Acting Chair (Mr Beer):** Thank you, Mr Cousens, but pursuant to the instruction from the House it was indicated that at 4 o'clock I would have to then move to follow the rules that were set out by the House leaders and passed in the House.

You have in front of you a document I would like to read. It sets out the procedure we will now follow. I am now reading the document you have in front of you, dealing first of all with those motions that we are going to withdraw. Then we will go forward and deal with all the others.

"It being 4 o'clock, I am, pursuant to the terms of reference of December 10, required to put the question on all outstanding sections and amendments to conclude the committee's business on Bill 143.

"Before proceeding I would like to indicate that I have had an indication that members wish to withdraw certain amendments in order to expedite the process. I will list those amendments referring to the section number and any other identification as may be necessary.

"Section 18:

"18 to strike out Liberal motion.

"18(6) 60 substituted for 21 days Liberal motion.

"Section 19:

"19 to strike out government motion.

"Section 22:

"22 to strike out Progressive Conservative motion.

"Section 23:

"23(3) to strike out Liberal motion.

"Section 24:

"24(2) waste disposal site in bill Liberal motion.

"24(2) waste management system in bill Liberal motion.

"Section 28:

"28 to strike out Progressive Conservative motion.

"Section 33:

"33(2) clause 176(4)(j) to strike out Liberal motion.

"Section 35:

"35 to strike out government motion."

I would indicate to members that in the case of motions to strike out a section they were out of order, and the same end can be reached by simply voting against that particular section of the bill at the appropriate time.

I have asked the clerk to circulate a copy of this statement to enable members to follow along enabling them to vote in accordance with the intent of the above-mentioned motions.

At this time I would declare that all remaining motions are considered to be deemed to have been moved, and I will now call the question of each outstanding amendment or amendments by section and then on related section or section, as amended."

[See appendix for text of motions deemed to have been moved.]

**Mr McClelland:** In terms of procedural niceties here, I had drafted a motion to amend subsection 24(2). The government subsequently or perhaps concurrently—I guess

it is really irrelevant—also drafted a motion to amend subsection 24(2). In the result, it is necessary therefore for my motion, rather than amending the section, to amend the government amendment.

The change in reading would simply be if you could refer to—I believe it is on page 59—the Liberal motion to subsection 24(2) with respect to the definition of “waste disposal site.” It would then follow, in order to be consistent with the government motion, that one would remove from it the words “in section 25 of the Environmental Protection Act.” Then it would read more appropriately, “I move, in amendment thereto, that the amendment be amended by adding” and moving right down to the definition, “‘waste disposal site’ means,” and as is printed.

I hope that is clear for our friends in Hansard. We will provide a written copy of that, but as I said, it is a house-keeping measure in order to make our amendment mesh with or dovetail with the amendment brought forward by the government.

**The Acting Chair (Mr Beer):** Thank you for that clarification. When we come to that point, and there needs to be just a reminder of the change, the Chair will entertain that.

We will begin on subsection 17(3). Shall subsection 17(3) carry? All in favour? Opposed?

**Mrs Marland:** Are you back on subsection 17(3) now?

**The Acting Chair (Mr Beer):** Yes, we are now starting through all of the clauses in order.

**Mr McClelland:** I want a recorded vote on that.

The committee divided on whether subsection 17(3) should stand as part of the bill, which was agreed to on the following vote:

#### Ayes—6

Lessard, Martin, Mathysen, O'Connor, B. Ward, Wiseman.

#### Nays—4

Cousens, Marland, McClelland, Sola.

**The Acting Chair (Mr Beer):** Shall subsection 17(4) carry?

**Clerk of the Committee:** No, the amendment comes first.

The committee divided on a Liberal motion respecting subsections 17(4) to 17(9) and 17(11) to 17(13), which was negated on the same vote reversed.

**Mr McClelland:** On a point of order, Mr Chairman: Just by way of information, I am wondering, in terms of the process here—I am sure the clerk will provide some assistance—rather than asking for a recorded vote at each particular point, can we, as it were, continue that and have it recorded? As we often do from time to time, we say “same vote.” When we say “same vote,” does that imply the same recorded vote? It is a point of clarification that I think is important, because many of us would be asking for a recorded vote on particular sections. Can we accom-

plish that by asking for the same vote and not having to go through the rotation each and every time?

**The Acting Chair (Mr Beer):** Do you want that shown as a recorded vote on every clause that we now deal with?

**Mr McClelland:** Yes, Mr Chairman, if that would accomplish the end that we seek. May I put it in this context? Of the remaining amendments, there are perhaps somewhere between 35% and 50%, more or less a third to a half of them, that I personally would want to have a recorded vote on. It seems to me that if the end result is that we are picking and choosing which ones we have a recorded vote, can we in some fashion have the vote consistently recorded on each and every amendment? I want to make it clear that I am not necessarily asking it for all of them, but there are a substantial number of the amendments. It may facilitate it for everybody.

**The Acting Chair (Mr Beer):** It would be simpler, I believe, if we dealt with all of them. Obviously in some cases it would be the same vote reversed, if everyone understands my meaning. We would indicate then that in fact each vote would show in Hansard as a recorded vote. Is that clear and all right? Fine.

**Mr Sola:** As long as it is same vote reversed in our favour.

**The Acting Chair (Mr Beer):** Yes, watch the way I say “reversed,” please, because as we go along this may get confusing.

**Mr McClelland:** Mr Chair, we have an able clerk, who I am sure will—

**The Acting Chair (Mr Beer):** Thank you. I am not sure what that says about the Chair, Mr McClelland.

The committee divided on whether subsection 17(4) should stand as part of the bill, which was agreed to on the same vote.

The committee divided on a Liberal motion respecting subsection 17(4.1), which was negated on the same vote reversed.

1610

**The Acting Chair (Mr Beer):** Shall subsection 17(5) carry? Carried.

The committee divided on whether subsection 17(6) should stand as part of the bill, which was agreed to on the same vote.

**The Acting Chair (Mr Beer):** Shall subsection 17(7) carry? Carried.

The committee divided on a Liberal motion respecting clause 17(8)(d), which was negated on the same vote reversed.

**The Acting Chair (Mr Beer):** Subsection 17(8), shall it carry? Carried. Subsection 17(9)? Carried. Subsection 17(10)? Carried.

The committee divided on a government motion respecting subsection 17(10.1), which was agreed to on the same vote.

**The Acting Chair (Mr Beer):** Shall subsection 17(11) carry? Carried.



The committee divided on a government motion respecting subsections 17(11.1) and 17(13), which was agreed to on the same vote.

**The Acting Chair (Mr Beer):** Shall subsection 17(12) carry? Carried.

Section 17, as amended, agreed to.

Section 18:

The committee divided on a Liberal motion respecting subsection 18(4), which was negated on the same vote reversed.

The committee divided on a Liberal motion respecting subsection 18(6), which was negated on the same vote reversed.

The committee divided on a Liberal motion respecting subsections 18(7), 18(8) and 18(9), which was negated on the same vote reversed.

The committee divided on a government motion respecting subsections 18(8) and 18(9), which was agreed to on the same vote.

Section 18, as amended, agreed to.

The committee divided on a government motion respecting section 18.1, which was agreed to on the same vote.

Section 19:

**The Acting Chair (Mr Beer):** There is a Liberal motion to subsection 19(4) which is out of order and requires a royal recommendation from the Lieutenant Governor.

We are going to deal with section 19. That is the section to which there was a government motion which I ruled out of order. We are now voting on section 19. All those in favour? It is defeated.

Section 19 deleted.

Section 20:

The committee divided on a Liberal motion respecting section 20, which was agreed to on the same vote.

Section 20, as amended, agreed to.

Sections 21 and 22 agreed to.

1620

Section 23:

The committee divided on a Liberal motion respecting subsection 23(2), which was negated on the same vote reversed.

The committee divided on a government motion respecting subsections 23(2.1) and 23(3), which was agreed to on the same vote.

The committee divided on a Liberal motion respecting subsection 23(3), which was negated on the same vote reversed.

Section 23, as amended, agreed to.

Section 24:

**The Acting Chair (Mr Beer):** I will just explain what we are going to be doing. We are going to be voting first on the Liberal amendment to the amendment that was referred to earlier.

The committee divided on a Liberal motion respecting subsection 24(2), which was negated on the same vote reversed.

The committee divided on a government motion respecting subsection 24(2), which was agreed to on the same vote.

Section 24, as amended, agreed to.

Section 25 agreed to.

Section 26:

The committee divided on a Liberal motion respecting section 26, which was negated on the same vote reversed.

The committee divided on a government motion respecting section 26, which was agreed to on the same vote.

**The Acting Chair (Mr Beer):** We have just voted on the government motion related to section 26; that means the next four Liberal motions are now out of order, which is what I was going to deem them.

**Mr McClelland:** You are a hard man, Mr Chairman. You are cruel.

Section 26, as amended, agreed to.

Sections 27 to 32, inclusive, agreed to.

Section 33:

The committee divided on a Progressive Conservative motion respecting subsections 33(1) and 33(2), which was negated on the same vote reversed.

The committee divided on a Liberal motion respecting subsection 33(1), which was negated on the same vote reversed.

The committee divided on a Liberal motion respecting subsection 33(2), which was negated on the same vote reversed.

The committee divided on a government motion respecting subsection 33(2), clause 176(4)(j), which was agreed to on the same vote.

The committee divided on a Liberal motion respecting subsection 33(2), clauses 176(4)(j), (k) and (l), which was negated on the same vote reversed.

The committee divided on a government motion respecting subsection 33(2), clause 176(4)(k), which was agreed to on the same vote.

The committee divided on a government motion respecting subsection 33(2), clause 176(4)(r), which was agreed to on the same vote.

The committee divided on a government motion respecting subsection 33(2), clause 176(4)(t), which was agreed to on the same vote.

The committee divided on a Liberal motion respecting subsection 33(2), clauses 176(4)(t), which was negated on the same vote reversed.

1630

**The Acting Chair (Mr Beer):** Shall subsection 33(2), as amended, carry? Carried.

**Mr Cousens:** No.

**The Acting Chair (Mr Beer):** We then move to subsection 33(3). Shall subsection 33(3) carry? Carried.

**Mr Cousins:** Are you listening to our objections and votes on this?

**The Acting Chair (Mr Beer):** Very closely.

The committee divided on a government motion respecting subsection 33(3.1), clause 176(7)(b.1), which was agreed to on the same vote.

**The Acting Chair (Mr Beer):** Shall subsections 33(4), (5), (6), (7) and (8) carry? Carried.

The committee divided on a government motion respecting subsection 33(8.1), which was agreed to on the same vote.

The committee divided on a government motion respecting subsection 33(9.1), which was agreed to on the same vote.

**The Acting Chair (Mr Beer):** Shall subsections 33(10) and (11) carry? Carried.

The committee divided on a Progressive Conservative motion respecting subsection 33(12), which was negated on the same vote reversed.

Section 33, as amended, agreed to.

Section 34:

The committee divided on a Progressive Conservative motion respecting subsection 34(2), which was negated on the same vote reversed.

Section 34 agreed to.

Section 35:

**The Acting Chair (Mr Beer):** There was a government motion to delete section 35, which has been declared out of order. Shall section 35 carry?

**Interjection:** No.

Section 35 deleted.

Sections 36 and 37 agreed to.

Title agreed to.

Bill, as amended, ordered to be reported.

**The Acting Chair (Mr Beer):** Before we adjourn, a couple of members have asked to say a few words.

**Mr McClelland:** This has been an interesting process for all of us involved and I just want to take a moment to put a couple of things on the record.

There have been difficult times. In her absence, at the risk of sounding somewhat patronizing inasmuch as your predecessor in the Chair is a caucus colleague of mine, I think all members would agree that notwithstanding the fact that from time to time any one of us, myself included, may have felt a little bit aggrieved by the firm hand of Mrs Caplan in the Chair, I think she acquitted herself exceptionally well under very difficult circumstances and I think we should pay tribute to that fact.

The logistics involved in handling this bill, with some of its complexities, and the conduct of the committee were aided considerably by a number of people, and at the risk of leaving some people out, I think the clerk, Ms Mellor, did an outstanding job and assisted each and every member of the committee in the deliberations and the mechanics and logistics necessary for the travel, the conduct, the invitation of people here and everything related to the

committee, and I wanted to mention that. I would ask that perhaps, should we be travelling as this particular committee again, you could prevail on Mr Cousins and one of his rich corporate clients for a private jet to transport us across some of the distant parts of this great province. It was an experience none of us, I am sure, will soon forget.

For legislative counsel and the assistance they provided, I think we owe them a debt of gratitude as well. The ministry staff have been here and their purpose is to serve each and every member, and for the assistance they have provided and for their attempts to provide us with information, sometimes recognizing very candidly that this is a political forum and much of what takes place is political, ministry staff have been indulgent and patient, to say the least, in many cases. For that I want to personally express my thanks and the thanks of my caucus colleagues and I thank all members of the committee, and, Mr Chairman, for the job you have done over these past few days, thank you and welcome to this happy group.

**The Acting Chair (Mr Beer):** Thank you. I will not comment.

**Mr Cousins:** I would like to echo what has just been said. Staff of the ministry are public servants and they have served the committee well. I feel sorry that some of the direction they get from the ministry is not what I would like to see them get through the policies they have to implement, and I am afraid the history in this province is that the public servants will implement what they are given to do in a very competent way, and that is the way it will be.

I thank you, Mr Chairman. I thank Lynn. I thank research. I think there has just been a tremendous support along the way. Jerry Richmond in particular, up until this week, when he had done his work. Poor Hansard; they have to write it all down. Anyway, thank you very much. Except for the fact that no one has agreed with me for the last five weeks from the other side of the room, we have done our job and leave without too much acrimony.

**Mr Wiseman:** I would like to echo the sentiments that have been given already, and I would like to thank the clerk for the work she did in organizing the wonderful tour of Ontario through the auspices of Skycraft in Oshawa, right next door to my riding.

I would like also to say to Jerry Richmond that I thought he did a good job in terms of his research and I enjoyed his company on many occasions when we found ourselves in faraway places and looking for a place to have dinner.

I would like to thank my colleagues. Their presence and their ability to be here on time and to keep the numbers up was made easier by them being as prompt as they were.

I would like to thank the Chair and I would like to thank the previous Chair, Elinor. She did an excellent job in terms of keeping us moving through all the deputations and keeping us on time. I would like to thank the current Chair for getting us through this part. It is an experience that was new to me and I would like to thank him for his help in that.



I would also like to thank the ministry staff. I found the discourse with them to be always enlightening and always to be—

Interjection.

1640

**Mr Wiseman:** I just got sidetracked by Mr O'Connor.

It was always polite, enlightening and informative. Most important, though, I would like to thank the presenters. I would like to thank the people of Ontario who came forward and made some 200 presentations on this bill. It is important that the people of Ontario get involved in the political process whether they agree or disagree with each other so that the debate can continue. It is the very essence of democracy that people become involved. A democracy cannot happen when it is only one-sided.

I would like to thank the presenters for their time, particularly those presenters who have given the hundreds and hundreds of hours of volunteer work for no pay, because they are the ones who have shown in their public spirit and their dedication to a cause that they put their community and the wellbeing of their neighbours paramount and above their own concerns, including their families. I think it is important to say something about that kind of volunteerism and spirit that brought so many forward to make this a better bill. I would like to thank them as well.

**Mrs Marland:** It is beginning to sound like the Academy awards. Are you not going to thank your mother and your father and your grandfather and your higher power? I am really disappointed that nobody thanked me, because I have only been a sub on this committee but I have really enjoyed it. It has been a very enlightening experience. I think the most memorable experience for me on this committee was the privilege of flying in an aircraft that Humphrey Bogart had flown in. It was even older than the aircraft I flew in as a stewardess in the 1950s, so it was quite enlightening.

Seriously, in thanking the public who were involved with this process, I must say it is unfortunate they were not listened to. I think it is great that we ended up with a public process. That evolved because of the strong determination of the opposition parties to have public hearings. I am glad that process took place.

I particularly want to commend the ministry staff. I think they had a very difficult time with the questions that came forth from all sides of this room, I say to Ms Mathysen, who thinks they only have a difficult time with the opposition. When Mr Cousens said that unfortunately the public servants implement government policy, I think he meant that it is fortunate when we agree with the policy; nevertheless, because we have capable, dedicated people in the public service, they are there to serve whomever the government is, and it is the choice of the people of the province who the government is.

Having been here only as a substitute member of the committee, I am impressed with the tolerance and the endurance of the people who have represented the ministry staff because I know it is a difficult and challenging job listening to us.

I thank you, Mr Chairman, for this week, and the members of the committee for the opportunity I have had to put some input into this issue. I think the work of the Legislative Assembly staff, namely the legislative counsel, research and Hansard, and especially Lynn Mellor, our clerk, is obviously the reason that the committee is able to function at all.

**Mr O'Connor:** Just about everybody in this room has been thanked, but I think it would be appropriate that I thank some others, as the parliamentary assistant to the minister, Mrs Grier, who has been carrying this legislation and indeed a heavy load as we look at the whole waste management problem within the GTA. It is a problem that indeed has many complexities. We have had a lot of the complexities discussed in this committee room by all members.

In proceeding with a bill of this nature, we have had to bring together people from many offices: The newly established IWA, through the capable chairmanship of Jan Rush and her help there, Barbara Johnston, who got a little bit under the weather on this famous flight that we travelled about the province on; from the waste reduction office, Drew Blackwell and his assistant, David McRobert, did an excellent job; from the Ministry of the Environment, Alex Giffen and John Merritt certainly proved invaluable not only in the committee process but also in preparing this parliamentary assistant with many of the facts needed to try to answer some questions put to me; and of course our legal assistants here, Jim Jackson and Leo FitzPatrick, who I inadvertently called Fitzgerald and seemed to have stirred a name change in him. I hope he is not going to sign the wrong name the next time he goes to get his licence renewed.

I would be remiss if I did not recognize the fact that the minister had her staff here, Paul Smith, and my own staff and the other parliamentary assistants helping out. In carrying a piece of legislation such as this, there are a lot of complexities and a lot of running around and a lot of late nights. I am sure that people watching this today do not necessarily realize the number of long hours ministry staff and minister staff and indeed parliamentary assistant and members' staff put in to make sure that we can take a piece of legislation such as this, hear from as many deputants as we have and try to improve legislation as much as possible while still sticking to the intent of the legislation.

I think we have had an opportunity to improve the legislation and still maintain the intent of the legislation. Some improvements have been recognized from all sides, and certainly some long arguments and discussions.

I will close with that. I appreciate having a colleague from York region here with me as well as my other colleague from York region. Maybe it had a kind of calming effect on him at times, though I think our other Chair had a little more of a calming effect.

**The Acting Chair (Mr Beer):** Thank you. Let me simply close by thanking all of the members for cooperating this week. I am tempted to say to the members of the ministry staff who now have to go back and see what is on their desks that I am sure that will be a pleasant task. The committee stands adjourned until the call of the Chair.

The committee adjourned at 1648.

## APPENDIX

### Motions deemed to have been moved in committee

#### **Liberal motion**

##### **Subsections 17(4) to (9) and (11) to (13)**

I move that subsection 17(4) to (9) and (11) to (13) of the bill be struck out.

#### **Liberal motion**

##### **Subsection 17(4.1)**

I move that section 17 of the bill be amended by adding the following subsection:

##### **Private sector involvement**

(4.1) A regional or metropolitan municipality may contract with an individual or corporation for the purpose of assisting the municipality in complying with this section.

#### **Liberal motion**

##### **Clause 17(8)(d)**

I move that clause 17(8)(d) of the bill be struck out and the following substituted:

(d) an act, regulation or provision of an act or regulation designated in the regulations under this act, other than section 27 of the Environmental Protection Act, or a bylaw made under a designated act.

#### **Government motion**

##### **Subsection 17(10.1)**

I move that section 17 of the bill be amended by adding the following subsection:

##### **Non-application**

(10.1) Subsection 29(5) of the Environmental Protection Act does not apply to a report referred to in subsection (1), (2) or (3) or to any amendments to those reports.

#### **Liberal motion**

##### **Subsection 17(11)**

I move that subsection 17(11) of the bill be struck out.

#### **Government motion**

##### **Subsections 17(11.1) and (13)**

I move that section 17 of the bill be amended by adding the following subsection:

##### **Application**

(11.1) This section applies only to reports made in 1991.

And I further move that subsection 17(13) of the bill be struck out.

#### **Liberal motion**

##### **Subsection 18(4)**

I move that subsection 18(4) of the bill be amended by striking out "once" in the second line and substituting "three times."

#### **Liberal motion**

##### **Subsection 18(6)**

I move that subsection 18(6) of the bill be amended by striking out "twenty-one days" in the third line and substituting "ninety days."

#### **Liberal motion**

##### **Subsections 18(7), (8) and (9)**

I move that subsection 18(7) of the bill be struck out and the following substituted:

#### **Director**

(7) The director shall consider any submissions made under subsection (6) before making a decision but the director is not required to hold a hearing.

#### **Notice**

(8) Within twenty-one days after making a decision, the director shall give notice of that decision to each person who made a submission under subsection (6).

#### **Appeal**

(9) A person who made a submission under subsection (6) may appeal the director's decision to the Minister of the Environment and the minister may confirm, vary or revoke the director's decision.

#### **Government motion**

##### **Subsections 18(8) and (9)**

I move that section 18 of the bill be amended by adding the following subsections:

#### **Reasons**

(8) The director shall, after considering the submissions, ensure that written reasons for any decision he or she makes are made available to members of the public at no cost.

#### **Idem**

(9) The written reasons must contain a summary of the submissions.

#### **Government motion**

##### **Section 18.1**

I move that the bill be amended by adding the following section:

##### **Hearing for Keele Valley**

18.1 (1) Despite subsection 18(1), the director appointed for the purposes of section 30 of the Environmental Protection Act shall require a hearing under that section by the Environmental Assessment Board with respect to the Keele Valley waste disposal site if the condition in subsection (2) is satisfied.

##### **Condition for hearing**

(2) A hearing may be required only if, in the opinion of the director, a decision can be made early enough to ensure that any construction or other work needed to increase the capacity of the Keele Valley waste disposal site will be completed before that site is filled to its approved capacity.

##### **Time limit**

(3) In requiring a hearing the director may require that the board make its decision before a time specified by the director.

##### **Action before hearing complete**

(4) Even though the director has required a hearing, the director may, if in his or her opinion it is necessary, issue or amend a certificate of approval or provisional certificate of approval at any time before the board makes its decision.

#### **Idem**

(5) If the director exercises the power set out in subsection (4) the director may require the board to discontinue the hearing.



### Rules for hearing

(6) For the purposes of the hearing the board may make rules governing its procedure to ensure that the board is able to comply with a requirement under subsection (3) that the board make its decision before a specified time.

### Idem

(7) Without limiting the generality of subsection (6), the board may make rules,

- (a) limiting oral submissions;
- (b) requiring submissions to be in writing; or
- (c) prohibiting or limiting the cross-examination of any person or class of person appearing before the board.

### Application of rules

(8) Rules made by the board may be limited in their application to specific issues or parties or classes of them.

### Conflicts with other provisions

(9) Rules made by the board apply despite any conflict with the Statutory Powers Procedure Act or any other act or with any regulation and section 28 of the Statutory Powers Procedure Act does not apply to such rules.

### Rationale, etc not to be considered

(10) The board shall not consider, in the hearing or its decision, the rationale for, or any alternative to, anything contained in the report made under section 29 of the Environmental Protection Act by the Minister of the Environment to the clerk of the municipality of Metropolitan Toronto.

### Decision of board

(11) In its decision the board may, on any or all issues before it, leave the decision of those issues to the director and the board may, with respect to those issues, make recommendations to the director.

### Application of subsections 18(3) to (9)

(12) If, following a decision by the board, a certificate of approval or provisional certificate of approval is issued or amended by the director to enable a municipality to comply with section 17, subsections 18(3) to (9) do not apply except as the board may specify in its decision.

### Liberal motion

#### Subsection 19(4)

I move that section 19 of the bill be amended by adding the following subsection:

#### Payment by province

(4) The Treasurer of Ontario shall pay, out of the consolidated revenue fund, the compensation that a person is entitled to under subsection (1).

### Liberal motion

#### Section 20

I move that section 20 of the bill be struck out and the following substituted:

#### Regulations

20. The Lieutenant Governor in Council may make regulations designating acts, regulations and provisions of acts and regulations, other than section 27 of the Environmental Protection Act, for the purposes of clause 17(8)(d).

### Liberal motion

**Subsection 23(2) (clause 4(k) of the Environmental Protection Act)**

I move that clause 4(k) of the Environmental Protection Act, as set out in subsection 23(2) of the bill, be amended by adding after "sites" in the third line "if no other existing waste management system or waste disposal site is suitable as an alternative."

### Government motion

**Subsections 23(2.1) and (3) (subsections 4(2) and (3) of the Environmental Protection Act)**

I move that section 23 of the bill be amended by adding the following subsection:

(2.1) Section 4 of the act is further amended by adding the following subsection:

#### Limitation

(2) A waste disposal site or waste management system shall not be established under clause (1)(k) in a municipality for any function relating to waste from a source within the municipality or to existing waste located within the municipality unless,

(a) the municipality does not have a waste disposal site or waste management system that is adequate and available to perform that function for the waste; or

(b) the municipality consents to the establishment of the site or system.

And I further move that subsection 4(2) of the Environmental Protection Act, as set out in subsection 23(3) of the bill, be renumbered as subsection 4(3).

### Liberal motion

**Subsection 23(3) (subsection 4(2) of the Environmental Protection Act)**

I move that subsection 4(2) of the Environmental Protection Act, as set out in subsection 23(3) of the bill, be struck out and the following substituted:

#### Delegation

(2) The minister may delegate any of his or her powers under clauses (1)(a) to (f) to the director.

### Liberal motion

**Subsection 24(2) (definition of "waste disposal site" in section 25 of the Environmental Protection Act)**

I move, in amendment thereto, that the amendment be amended by adding the following:

"waste disposal site" means,

(a) any land upon, into, in or through which, or building or structure in which, waste is deposited, disposed of, handled, stored or transferred other than transferred for the purpose of recycling, treatment or processing; and

(b) any operation carried out or machinery or equipment used in connection with the depositing, disposal, handling, storage or transfer referred to in clause (a).

### Government motion

**Subsection 24(2) (section 25 of the Environmental Protection Act, definition of "waste management system")**

I move that the definition of "waste management system" in section 25 of the Environmental Protection Act, as set out in subsection 24(2) of the bill, be struck out and the following substituted:

"waste management system" means any facilities or equipment used in, and any operations carried out for, the management of waste including the collection, handling, transportation, storage, processing or disposal of waste,

and may include one or more waste disposal sites.  
("système de gestion des déchets")

**Government motion**

**Section 26 (subsection 29(1) of the Environmental Protection Act)**

I move that subsection 29(1) of the Environmental Protection Act, as set out in section 26 of the bill, be amended by striking out "director" in the first line and substituting "minister."

**Government motion**

**Section 26 (Subsections 29(2) to (6) of the Environmental Protection Act)**

I move that section 26 of the bill be struck out and the following substituted:

26. Section 29 of the act is amended by adding the following subsections:

**Reasons**

(2) A report mentioned in subsection (1) must include a statement of the reasons for the minister's opinion.

What report may require

(3) A report may require a municipality,

(a) to collect or transport such waste as is specified in the report, including such waste from such source outside the boundaries of the municipality as is specified in the report;

(b) to accept, process or otherwise deal with such waste as is specified in the report, including such waste from such source outside the boundaries of the municipality as is specified in the report, in a waste management system or at a waste disposal site located in or owned, operated or controlled by the municipality.

Compensation by persons benefiting

(4) If a report requires a municipality to do anything that will benefit a person, the report may specify compensation to be provided to the municipality by that person for the benefit and the following apply:

1. The person shall provide the compensation if the person has been served with a copy of the report unless the person, within fifteen days after service, gives a written notice to the municipality and the minister that the person renounces the benefit.

2. If the person renounces the benefit the municipality is, with respect to the benefit, relieved from its obligation to implement the report.

Waste from outside municipality

(5) Requirements in a report relating to waste from a source outside the boundaries of a municipality are binding on the municipality only during the five year period following the making of the report or during such shorter period as the report may specify.

Report is an order

(6) A report is an order for the purposes of part XIV.

**Liberal motion**

**Section 26 (subsections 29(1) and (3) of the Environmental Protection Act)**

I move that subsection 29(1) of the Environmental Protection Act, as set out in section 26 of the bill, be amended by striking out the portion preceding clause (a) and substituting the following:

**Order**

(1) If the minister believes there is an emergency relating to waste, a waste management system or a waste disposal site and the minister considers it advisable in the public interest to make an order under this subsection, the minister may order a municipality, within such time as is specified in the order,

And I further move that section 29 of the Environmental Protection Act, as set out in section 26 of the bill, be amended by adding the following subsection:

**Reasons**

(3) Upon making an order under subsection (1), the minister shall give the municipality written reasons for the minister's belief that an emergency exists.

**Liberal motion**

**Section 26 (subsection 29(3) of the Environmental Protection Act)**

I move that section 29 of the Environmental Protection Act, as set out in section 26 of the bill, be amended by adding the following subsection:

Private sector involvement

(3) A municipality may contract with an individual or corporation for the purpose of assisting the municipality in complying with an order under this section.

**Liberal motion**

**Section 26 (subsection 29(3) of the Environmental Protection Act)**

I move that section 29 of the Environmental Protection Act, as set out in section 26 of the bill, be amended by adding the following subsection:

Restriction: Britannia Road site

(3) An order under subsection (1) may not require the extension or enlargement of the Britannia Road waste disposal site.

**Liberal motion**

**Section 26 (subsection 29(4) of the Environmental Protection Act)**

I move that section 29 of the Environmental Protection Act, as set out in section 26 of the bill, be amended by adding the following subsection:

Restriction: Keele Valley site

(4) An order under subsection (1) may not require the extension or enlargement of the Keele Valley waste disposal site.

**Progressive Conservative motion**

**Sections 33(1) and 33(2)**

I move that sections 33(1) and 33(2) of the bill be struck out.

**Liberal motion**

**Subsection 33(1) (subclause 176(4)(d)(i) of the Environmental Protection Act)**

I move that subclause 176(4)(d)(i) of the Environmental Protection Act, as set out in subsection 33(1) of the bill, be amended by striking out "design" in the first line and "staffing" in the fourth line.

**Liberal motion**

**Subsection 33(2)**

I move that subsection 33(2) of the bill be struck out.



**Government motion****Subsection 33(2) (clause 176(4)(j) of the Environmental Protection Act)**

I move that clause 176(4)(j) of the Environmental Protection Act, as set out in subsection 33(2) of the bill, be struck out.

**Liberal motion****Subsection 33(2) (clauses 176(4)(j), (k) and (l) of the Environmental Protection Act)**

I move that clauses 176(4)(j), (k) and (l) of the Environmental Protection Act, as set out in subsection 33(2) of the bill, be struck out.

**Government motion****Subsection 33(2) (clause 176(4)(k) of the Environmental Protection Act)**

I move that clause 176(4)(k) of the Environmental Protection Act, as set out in subsection 33(2) of the bill, be amended by adding at the beginning "for the purpose of furthering the diversion of waste from final disposal,".

**Government motion****Subsection 33(2) (clause 176(4)(r) of the Environmental Protection Act)**

I move that clause 176(4)(r) of the Environmental Protection Act, as set out in subsection 33(2) of the bill, be struck out and the following substituted:

(r) regulating, with respect to the diversion of waste from final disposal, the waste management activities of such owners of premises housing generators of waste or persons responsible for the management of those premises as are specified in the regulation;

**Government motion****Subsection 33(2) (clause 176(4)(t) of the Environmental Protection Act)**

I move that clause 176(4)(t) of the Environmental Protection Act, as set out in subsection 33(2) of the bill, be amended by adding at the end "other than a site in respect of which subsection 30(1) applies".

**Liberal motion****Subsection 33(2) (clause 176(4)(t) of the Environmental Protection Act)**

I move that clause 176(4)(t) of the Environmental Protection Act, as set out in subsection 33(2) of the bill, be struck out.

**Government motion****Subsection 33(3.1) (clause 176(7)(b.1) of the Environmental Protection Act)**

I move that section 33 of the bill be amended by adding the following subsection:

(3.1) Subsection 176(7) of the act is amended by adding the following clause:

(b.1) requiring the payment of a deposit at the time of purchase of any material or any product, including any beverage, and regulating the amount, terms and conditions of deposits.

**Government motion****Subsection 33(8.1) (subclause 176(7)(e)(iii.1) of the Environmental Protection Act)**

I move that section 33 of the bill be amended by adding the following subsection:

(8.1) Clause 176(7)(e) of the act is amended by adding the following subclause:

(iii.1) the amount payable in return for any packaging or product.

**Government motion****Subsection 33(9.1) (clause 176(7)(g.1) of the Environmental Protection Act)**

I move that section 33 of the bill be amended by adding the following subsection:

(9.1) Subsection 176(7) of the act is amended by adding the following clause:

(g.1) requiring and regulating the payment of an amount in return for any product, prescribing the amount to be paid and requiring and regulating the acceptance and collection of any product by such classes of persons as may be designated by the regulations.

**Progressive Conservative motion****Subsection 33(12)**

I move that subsection 33(12) of the bill be struck out.

**Progressive Conservative motion****Subsection 34(2) (subsection 177(1.2) of the Environmental Protection Act)**

I move that section 34 of the bill be amended by adding the following subsection:

(2) Section 177 of the act is further amended by adding the following subsection:

National agreements, etc

(1.2) In making regulations the Lieutenant Governor in Council shall have regard to all agreements relating to waste reduction between the province of Ontario and any or all of the other provinces, the territories and the federal government.

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Thursday 26 March 1992

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### STANDING COMMITTEE ON SOCIAL DEVELOPMENT

**Chair / Présidente:** Caplan, Elinor (Oriole L)

**Acting Chair / Président suppléant:** Beer, Charles (York North/-Nord L)

**Vice-Chair / Vice-Président:** Sola, John (Mississauga East/-Est L)

Cousens, W. Donald (Markham PC)

Fawcett, Joan M. (Northumberland L)

Haeck, Christel (St Catharines-Brock ND)

Hope, Randy R. (Chatham-Kent ND)

Martin, Tony (Sault Ste Marie ND)

Mathyssen, Irene (Middlesex ND)

O'Connor, Larry (Durham-York ND)

Stockwell, Chris (Etobicoke West/-Ouest PC)

Sullivan, Barbara (Halton Centre L)

Wiseman, Jim (Durham West/-Ouest ND)

**Substitutions / Membres remplaçants:**

Beer, Charles (York North/-Nord L) for Mrs Caplan

Lessard, Wayne (Windsor-Walkerville ND) for Mr Hope

Marland, Margaret (Mississauga South/-Sud PC) for Mr Stockwell

McClelland, Carman (Brampton North/-Nord L) for Mrs Sullivan

Ramsay, David (Timiskaming L) for Mrs Fawcett

Ward, Brad (Brantford ND) for Ms Haeck

**Also taking part / Autres participants et participantes:**

Ministry of the Environment:

Blackwell, Drew, assistant deputy minister, waste reduction office

FitzPatrick, Leo B., counsel, legal services branch

Giffen, Alex, assistant director, central region

Jackson, M. B., counsel, legal services branch

Merritt, Jim, acting assistant deputy minister, regional operations

Office for the Greater Toronto Area:

O'Connor, Larry, parliamentary assistant

Rush, Jan, assistant deputy minister

**Clerk / Greffière:** Mellor, Lynn

**Staff / Personnel:** Spakowski, Mark, legislative counsel

















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